“No Internet Means No Work, No Pay, No Food”

Internet Shutdowns Deny Access to Basic Rights in “Digital India”

HUMAN RIGHTS WATCH

INTERNET FREEDOM FOUNDATION

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Printed in the United States of America
ISBN: 979-8-88708-048-2
Cover design by Rafael Jimenez

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Internet Freedom Foundation (IFF) is an award-winning and impact-focused digital rights organisation from India, formed from the SaveTheInternet movement. Our mission is to protect digital rights, and their intersection with democratic guarantees, in an increasingly technology-saturated world. Functioning in a challenging social environment, IFF believes that there is a need to move beyond courtrooms into social organising and wider institutional engagement to change policy in India today. To achieve this, IFF has worked tirelessly over the past five years to bring social change on contentious issues such as internet shutdowns, online hate speech and digital surveillance.

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JUNE 2023

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Summary 1
Impact on Poverty and Social and Economic Inequality 3
Legal Loopholes for Arbitrary Internet Shutdown 7
Arbitrary Internet Shutdowns 9
Lack of Monitoring and Accountability 12
India’s International Legal Obligations 13

Key Recommendations 14
To the Indian Central Government and State Governments 14

Methodology 15

I. Background 17
Lack of Official Data 18
Digital India 18

II. Legal Provisions Allowing Internet Suspension 21
Indian Telegraph Act and Temporary Suspension of Telecom Services Rules 21
Section 144 24
New Telecom Bill, 2022 26
Role and Responsibilities of Telecom Service Providers 26
Indian Court Rulings 29
Anuradha Bhasin v. Union of India 29
Other Significant Judgments 31

III. Impact of Internet Shutdowns on Human Rights 34
Rights to Freedom of Expression and Assembly 34
Media Freedom 34
Rights to Peaceful Protests, Freedom of Assembly 36
Access to Education 39
Jammu and Kashmir: India’s Longest Internet Blackout 41
Right to Education 46

Right to Health....48
Economic Costs and Right to Livelihood....50

IV. Impact on Government's Social Protection Measures....52
Right to Work....53
Access to Food Subsidy....56
Collapse of E-Governance Service Providers....58
Impact on Gig Workers....60
Cost to Economy....61

V. Arbitrary Internet Shutdowns....64
Failure to Publish Internet Suspension Orders....67
Failure of Necessity and Proportionality Test....68
Unlawful Shutdowns in Rajasthan....69
Review Committees a Rubber Stamp....71

VI. India's Obligations Under International Law....73
Other Relevant International Frameworks....75

VII. Recommendations....77
To the Indian Parliament....77
To the Central and State Governments....77
Review Committees....78
To Telecom Service Providers....79
To the UN and Foreign Governments, including G20 Members....79

Acknowledgments....80

Appendix: List of Internet Shutdowns in India....82

Summary

> When the internet is shut down, I have no work, do not get paid, cannot withdraw any money from my account, and cannot even get food rations.
>
> —H.K., 35, a Dalit woman with five children, Rajasthan, September 2022

In August 2019, the Indian government completely blocked all communication networks in Jammu and Kashmir, including landlines, fixed line internet and mobile networks. The authorities sought to prevent Kashmiris from organizing protests after the government revoked the state's constitutional autonomous status, splitting it into two separate federally governed territories.

While some services were gradually restored, mobile 4G internet access remained effectively down for over 500 days, until February 2021. Mobile internet is used by 96 percent of the population, and thus the shutdown impacted every aspect of daily life. As one journalist based in Srinagar, who asked not to be identified, told Human Rights Watch and Internet Freedom Foundation:

> Just imagine the number of times you use the internet in a day. For entertainment, for information, for job applications, for education, to connect with your loved ones, for checking up on things, for ordering things, for travel, for ticketing, for studying—it's for every aspect of life. You start to realize its importance when it is taken away from you.

While the length of the 2019-2021 internet shutdown in Jammu and Kashmir was unprecedented, denying access to the internet has become a default policing tactic by Indian authorities, including to shut down protests or criticism of the government, and even to prevent cheating in school examinations. Since 2018, India has shut down the internet more often than any other country in the world. According to one estimate, India was responsible for the most shutdowns in 2022, for the fifth consecutive year, with 84 shutdowns out of 187 globally. While this report covers shutdowns up until December 2022, in March 2023, the entire state of Punjab had been placed under a three-day mobile internet blackout to track down a separatist leader. In May, the internet was completely

blocked on both mobile and fixed line services in Manipur state for weeks following violent ethnic clashes.

The authorities contend the shutdowns are needed to prevent violence fueled by rumors circulated on social media or mobile messaging applications. “There is a big song and dance about the internet being cut. Now, if you’ve reached the stage where you say an internet cut is more dangerous than the loss of human lives, then what can I say?” said India’s External Affairs Minister S. Jaishankar in September 2022.

However, as the Kashmiri journalist pointed out, the first challenge during the communications shutdown is the inability to share or access information. “It pushed you into a bubble and also created a fertile ground for rumors,” he said. Often, according to experts, internet shutdowns are kneejerk reactions and disproportionate in the harm caused.

Meanwhile, the ruling Bharatiya Janata Party (BJP)-led government’s key digitization initiatives are being harmed by internet shutdowns. “Digital connectivity should become as much a basic right as access to school,” Prime Minister Narendra Modi had said in 2015, and since then, his government has assiduously pursued this policy. The “Digital India” project aims to use technology to improve delivery of public services and implement government programs.

This has made the internet essential for access to government welfare schemes (or programs) for social protection, including its right to work guarantee, its public distribution system under the Food Security Act, and for e-governance in rural areas. The population, particularly marginalized communities, have become particularly vulnerable during internet shutdowns. “All the government schemes are now dependent on the internet, so you can no longer get access to any of it without internet; even getting food rations require biometric authentication,” said Laavanya Tamang, a senior researcher at LibTech India, a nonprofit organization that works on improving public service delivery in India.

This joint report by Human Rights Watch and Internet Freedom Foundation, based on research in India and over 70 interviews, documents the harm caused by internet shutdowns. Among those most affected are the country’s marginalized populations who depend on government programs and social protection systems. An annex to the report

provides a comprehensive list of internet shutdowns in India's 28 states (excluding the eight federally governed union territories) in the three years since the Indian Supreme Court's landmark judgment in January 2020, which highlighted the importance of internet access for fundamental rights protected by the Indian Constitution.

The two organizations examined whether Indian state governments are complying with the court's directives and found that decisions to snap internet access are often erratic and based on a vague, tenuous, and unsubstantiated understanding of a law and order problem, which does not satisfy the international legal threshold of a public emergency or a threat to public safety. Shutting down the internet to stem protests or criticism of government, for instance, does not constitute a legitimate aim and instead violates the right to peaceful assembly.

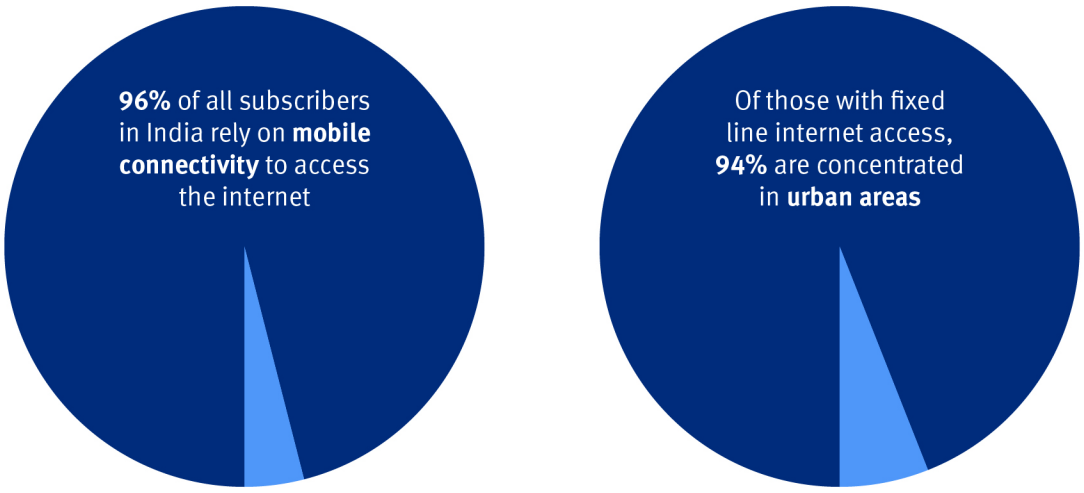
Human Rights Watch and Internet Freedom Foundation call upon Indian central and state governments to end broad, indiscriminate shutdowns, and instead uphold commitments to "an open, free, global, interoperable, reliable and secure internet" for everyone, and ensure that its restrictions on internet access do not undermine the rights and entitlements of the country's marginalized communities.

Impact on Poverty and Social and Economic Inequality

Access to the internet is not only essential for freedom of expression and association, but also for a range of economic and social rights. As governments continue to digitize and automate core social security programs, internet access has and will increasingly become vital for the realization of the rights to social security, education, health, work, and the right to food, among others.

In India, most shutdowns involve cutting off access to the internet on mobile phones within a certain area. But this translates into an internet blackout for most of the population within this area, because 96 percent of internet subscribers in India use their mobile devices to access the internet, while only 4 percent have access to fixed line internet. Mobile connectivity is even more critical in rural areas, as 94 percent of fixed line connections were concentrated in urban areas. As such, these shutdowns especially harm people who cannot pay for fixed line internet, as well as those living in rural and remote areas where there is little to no access to fixed line internet.

Most Indians Rely on Mobile Access to the Internet


96% of all subscribers in India rely on mobile connectivity to access the internet
Of those with fixed line internet access, 94% are concentrated in urban areas

Source: Telecom Regulatory Authority of India

For instance, the Mahatma Gandhi National Rural Employment Guarantee Act (NREGA) provides vital income security for over 100 million households in rural areas by guaranteeing them employment for 100 days. Through this program, workers earn a daily wage ranging from 204 rupees (US$2.47) to 333 rupees (US$4.02) depending on the state they are in. Access to this income security program is vital given the lack of employment opportunities in rural areas. It has been especially vital for women's empowerment: 58 percent of program participants in 2022-23 were women, most of whom came from socially and economically marginalized households.

However, as the government has moved to digitize NREGA, including its attendance checks and wage payments, adequate access to the internet has become essential for people's ability to receive these vital benefits. Network coverage is already poor in remote areas covered by the program, causing serious challenges and setting back progress on poverty reduction, but shutdowns that cut off internet access only make the situation worse.

Since January 2023, the government has required all NREGA workers to be geo-tagged and photographed twice a day, on an online attendance app ostensibly to increase

transparency and improve citizen oversight over NREGA work. Apart from the privacy concerns this raises, it also conditions people's livelihoods on often unreliable internet access that stalls completely during internet shutdowns. In February 2023, hundreds of NREGA workers from across the country gathered in Delhi to begin a 100-day protest against the mandatory app-based attendance.

Several NREGA workers told Human Rights Watch and Internet Freedom Foundation that they would not be paid if attendance was not registered in the app. "When the internet was shut down in 2022 [during protests opposing a government policy], the block officer asked us to stop work since we could not mark our attendance," said R.C., a supervisor for NREGA in Haryana. "They said they could not pay without online attendance."

"Just stop connecting NREGA to the internet," said N.P., a 29-year-old Dalit woman from Rajasthan. "We travel far to reach our worksites, but have to go back home if the internet does not work. Entire families depend on NREGA for sustenance. How will we feed our children?"

Women working at a job site in a village in Rajasthan under the Mahatma Gandhi National Rural Employment Guarantee Act (NREGA), which requires internet access for wages to be paid, September 2022. © 2022 Jayshree Bajoria/Human Rights Watch

Apart from harming the government's efforts to ensure the right to livelihood, as enshrined in the Indian constitution, internet shutdowns also impact a key social protection policy to provide subsidized food grains under the National Food Security Act through a targeted public distribution system. In 2017, as part of schemes to digitize the government's social security system and ostensibly increase administrative efficiency, the government required all people eligible for subsidized food rations to link their ration card with Aadhaar—the country's biometric identity system. This was upheld by the Supreme Court in 2018.

As a result, ration shops now require internet for Aadhaar authentication before providing food grains. R.K., who runs a shop under the public food distribution system, explained that when a customer comes, he uses an internet-linked machine to authenticate fingerprints with the biometric card. "The machine uses a SIM, similar to what we insert in a mobile phone, so when there is no internet, it doesn't work," he said, which prevents him from delivering the subsidized allocations.

A ration shop dealer in a village in Rajasthan with the machine used for Aadhaar-based biometric authentication. The machine requires internet access to authenticate biometric IDs before people can get the subsidized or free food grains to which they are entitled each month, September 2022. © 2022 Jayshree Bajoria/Human Rights Watch

To help people navigate the e-governance systems, state governments have set up common service centers in villages to help with basic banking, paying utility bills, registering for Aadhaar or other forms of government identification, as well as applying for and accessing official documents. These centers generally function on mobile internet, and shutdowns completely halt their work. These centers have also generated employment for local youth who lose their earnings during internet shutdowns. Said one common service center operator in Sonipat district in Haryana:

> There was an internet shutdown at the time of farmers protests in 2022. When people came to withdraw money, they couldn't do it. We faced similar issues during the shutdown because of Agnipath [a government scheme for military recruitment] protests as well. Also, we are paid on a commission basis, so we don't earn any money when there is no internet.

The 2019 communications shutdown in Jammu and Kashmir, coupled with movement restrictions, severely affected access to medical and other emergency services, education, and livelihood. For months, Kashmiris could not use online banking, make digital payments, or order supplies. There was no contact with the outside world. As a 28-year-old Kashmiri professional said, "It felt like the silence of the graveyard." The Kashmir Chamber of Commerce and Industry estimated that the six-month long communications shutdown cost more than $2.4 billion, and led to nearly 500,000 job losses.

On August 22, 2019, United Nations human rights experts issued a joint statement on Jammu and Kashmir urging the government to end the communications shutdown:

> The shutdown of the internet and telecommunication networks, without justification from the Government, are inconsistent with the fundamental norms of necessity and proportionality…The blackout is a form of collective punishment of the people of Jammu and Kashmir, without even a pretext of a precipitating offence.

Legal Loopholes for Arbitrary Internet Shutdown

India's laws to regulate internet shutdowns use overbroad language and lack adequate safeguards to ensure principles of necessity and proportionality. There is no effective

accountability mechanism or judicial and parliamentary oversight, allowing frequent misuse and arbitrary decision-making.

The central and state governments of India are permitted to restrict or temporarily suspend internet services using the Indian Telegraph Act, 1885, and the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017.

The Telegraph Act allows authorities to suspend internet services in case of public emergency or in the interest of public safety, including in the interest of sovereignty and integrity of India, security of the state, friendly relations with foreign states, public order, or for preventing incitement to the commission of an offense. However, these broad terms of public emergency and public safety are not defined in law.

Under the Telecom Suspension Rules, only a union or state home secretary can issue internet suspension orders, although there is an exception in case of emergencies, which allows an officer of a lower rank to issue internet suspension orders. These rules require the order to contain reasons for a shutdown and for the authorities to immediately forward the order for approval to a Review Committee, taking into account public holidays or weekends. However, Review Committees are made up of three officials of the central and state governments and thus lack independence. They are tasked with examining the legality of internet suspension orders and are required to meet within five days after the order is issued. The Review Committee cannot provide necessary oversight because it simply records its findings and does not have the power to stay or set aside suspension orders even when they are illegal.

In 2021, the Parliamentary Standing Committee on Communications and Information Technology, in its report examining the impact of shutdowns, said, "The Suspension Rules have been grossly misused leading to huge economic loss and also causing untold suffering to the public, as well as severe reputational damage to the country." It added that "the Government's thrust is on digitization and knowledge economy with free and open access to internet at its core, frequent suspension of internet on flimsy grounds is uncalled for and must be avoided."

The authorities also use section 144 of the Code of Criminal Procedure, which empowers district magistrates—government administrative officials—to take any preventive

measures to deal with imminent threats to public order. This allows them to suspend the internet to maintain law and order, often maintaining secrecy around these orders by not publishing them, with complete lack of accountability or any form of oversight. The provision also allows magistrates to pass such orders ex parte—done on the basis of only one party—in circumstances of emergency, circumstances that were determined by them, without any in-built review mechanism.

In January 2020, in a landmark judgment, *Anuradha Bhasin v. Union of India* and *Ghulam Nabi Azad v. Union of India*, the Indian Supreme Court held that suspension of internet services is a "drastic measure" that must be considered by the state only if it is "necessary" and "unavoidable," after assessing the "existence of an alternate less intrusive remedy."

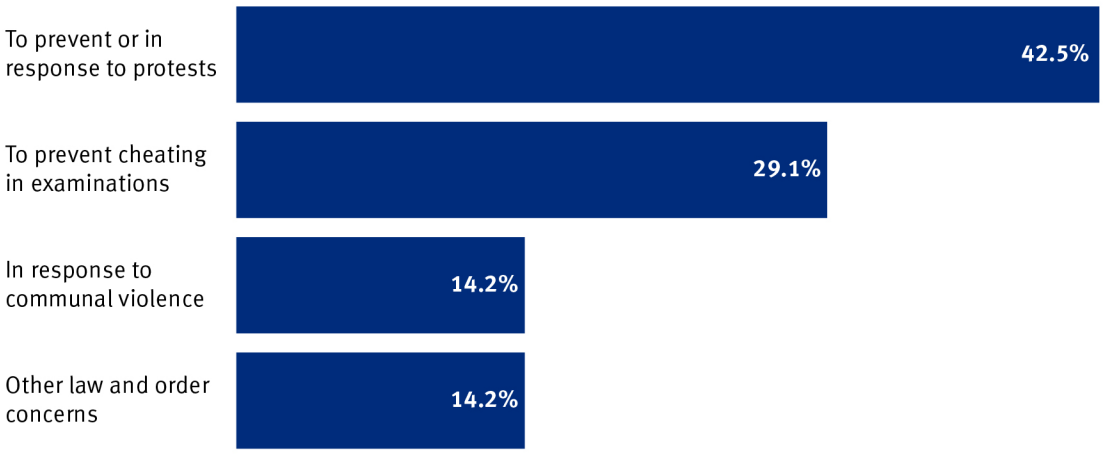
Noting the lack of adequate safeguards in existing regulations, the court also laid down procedural safeguards for suspending internet services. It directed the authorities to always publish internet suspension orders and to ensure that the orders are lawful, necessary, proportionate, and limited in scope. The judgment directed the executive to ensure internet shutdowns are temporary and not indefinite. The Review Committee constituted under the Suspension Rules must ensure periodic review of internet suspensions every seven working days, the court said.

Arbitrary Internet Shutdowns

Human Rights Watch and Internet Freedom Foundation identified 127 shutdowns in the three years between the Supreme Court's *Anuradha Bhasin* judgment in January 2020 and December 31, 2022. Of 28 Indian states, 18 shut down the internet at least once in these three years. Local authorities used internet shutdowns in 54 cases to prevent or in response to protests, 37 to prevent cheating in school examinations or in exams for government jobs, 18 in response to communal violence, and 18 for other law and order concerns.

Local Authorities in India Shut Down Internet 127 Times

January 2020—December 2022



Source: Replies from state governments to Right to Information requests filed by Internet Freedom Foundation; Internet Shutdown tracker https://internetshutdowns.in/ by Software Freedom Law Center, and media sources.

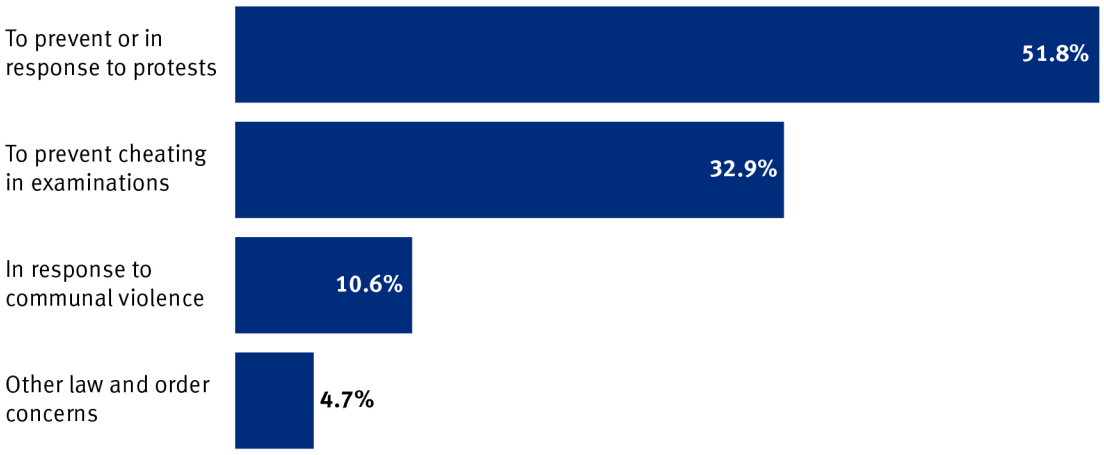
Note: This number does not include internet shutdowns in the Union Territory of Jammu and Kashmir.

This number does not include internet shutdowns in the Union Territory of Jammu and Kashmir where the authorities continued to shut down the internet more than any other place in the country.

Out of the 18 states that shut down the internet, at least 11—Rajasthan, Uttar Pradesh, West Bengal, Maharashtra, Jharkhand, Manipur, Andhra Pradesh, Chhattisgarh, Madhya Pradesh, Odisha, and Telangana—did not publish suspension orders as directed by the Supreme Court. Even if orders were published, the authorities often failed to justify the apprehension of risk to public safety. Rajasthan, Arunachal Pradesh, West Bengal, and Assam governments shut down the internet to prevent cheating in examinations, which was clearly an unnecessary and disproportionate response.

The 2021 Parliamentary Standing Committee report concluded that “the principle of proportionality and procedure for lifting the shutdown are vague and lack clarity.”

Rajasthan State Authorities Shut Down Internet 85 Times
January 2020—December 2022



Source: Replies from state governments to Right to Information requests filed by Internet Freedom Foundation; Internet Shutdown tracker https://internetshutdowns.in/ by Software Freedom Law Center, and media sources.

Note: The actual number of internet shutdowns in Rajasthan state may be even higher than current documentation shows.

An analysis of 85 shutdown orders from Rajasthan revealed that a majority, 44, were to prevent protests or in response to them, at least 28 were to prevent cheating in examinations, 9 to prevent communal violence or in response to it, and 4 to address other law and order concerns. Internet Freedom Foundation analyzed 26 internet suspension orders issued by Udaipur divisional commissioner and 30 suspension orders issued by Jaipur divisional commissioner between January 10, 2020 and September 25, 2021 and found that the authorities issued shutdowns frequently, followed a copy-paste template, and failed to ensure they were lawful, necessary, and proportionate. Most of the shutdowns were ordered to quell the right to protest and were imposed even when less restrictive measures may have been available.

The Indian government does not collect any data on internet shutdowns and has not provided any evidence to show that internet shutdowns are effective in countering terrorism or maintaining law and order. In 2021, the Parliamentary Standing Committee noted:

> So far, there is no proof to indicate that internet shutdown have been effective in addressing public emergency and ensuring public safety. The Committee are of the view that using internet shutdowns to deal with Public Emergency and Public Safety reflects poorly on the part of the law and order machinery of the State to deal with such issues…Shutting down of internet to deal with such situation in countries like USA or European countries is unheard of and reflects poorly on India.

In February 2023, the Parliamentary Standing Committee in response to action taken by the government on its 2021 report, said it "deplored the [government's] indifferent attitude" and strongly urged the authorities to commission a thorough study "so as to assess the impact of internet shutdown on the economy and also find out its effectiveness in dealing with public emergency and public safety."

Karti P. Chidambaram, an opposition member of parliament and member of the Parliamentary Standing Committee that authored the report, said internet shutdowns reflect a "colonial policing mindset," and are a form of draconian law enforcement. "Our immediate reaction is to impose a curfew, shut down, keep people at home. It is still very British and that is still continuing. It is a very crude policing tactic and they have simply taken that and applied it to the internet, too."

Lack of Monitoring and Accountability

Analysis of review committee orders from some Indian states show a lack of effective monitoring. Most committees simply agree with the government suspension orders, never challenging their legality or whether they meet the necessity and proportionality test. Out of 28 states, 12 have established review committees. Kerala, which has never suspended internet access, said it has not constituted a committee, while 15 states did not provide any details in response to Right to Information requests on government policies on internet shutdowns. States do not make review committee findings public and rarely ever provide them in response to Right to Information requests.

The Rajasthan state government, for instance, said its review committee does not even meet or record findings, and that internet suspension orders are circulated to the responsible officers who merely provide their approval.

West Bengal shared the findings of its review committee with the Calcutta High Court during the hearing of a petition challenging the legality of a March 7, 2022 order suspending internet services in several districts to prevent cheating on exams. The review committee had upheld the order, saying it had a legitimate goal. But the High Court stayed the order, saying that it did not meet the proportionality test and was not passed by a competent authority provided under the legal provisions.

India's International Legal Obligations

The United Nations Human Rights Council passed a resolution in 2016 unequivocally condemning internet shutdowns and called upon all states to "refrain from and cease such measures." UN human rights experts have said blanket internet shutdowns violate international human rights law and in 2021 the UN secretary-general noted the need to reinforce universal access to the internet by 2030 as a human right. He emphasized that the UN would work with governments, business, and civil society to find alternatives to disruptive blanket internet shutdowns.

In June 2022, India signed a statement along with G7 nations and four other countries, committing to ensure "an open, free, global, interoperable, reliable and secure internet." As a signatory to the Resilience Democracies statement, India also resolved to protect "the freedom of expression and opinion online and offline and ensuring a free and independent media landscape through our work with relevant international initiatives."

Access to the internet is widely recognized as an indispensable enabler of a broad range of human rights guaranteed in the International Covenant on Civil and Political Rights (ICCPR) and other human rights instruments to which India is a party. States have the obligation to respect and ensure the right to freedom of expression without distinction of any kind. Restrictions on the right to freedom of expression are only permissible when they are provided by law and are a necessary and proportionate response to a specific threat. Given their indiscriminate and widespread impacts, internet shutdowns rarely meet the proportionality test.

Key Recommendations

To the Indian Central Government and State Governments

- End broad, indiscriminate, and indefinite internet shutdowns.
- Ensure any restriction on internet access is lawful, necessary, proportionate, and limited in scope, and ensure compliance with international law as reflected in the Supreme Court directives in *Anuradha Bhasin v. Union of India.*
- Review and revise the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017, after consultation with civil society groups, digital rights experts, and other stakeholders to bring the rules in line with international legal standards.
- Publish every internet suspension order with details on the reasons for shutdown, duration of the shutdown, legal provision under which the internet was suspended, and what efforts were made to ensure the suspension was necessary and proportionate.
- Establish a national-level database for all internet shutdowns in the country in which should be recorded all suspensions ordered, the reasons, duration, legal provisions used, the decisions of the competent authority, and decisions of the Review Committees. The database should be available publicly to ensure transparency and accountability.

Methodology

This is a joint report by Human Rights Watch and New Delhi-based Internet Freedom Foundation.

Internet Freedom Foundation (IFF) is a registered charitable trust that advocates for the digital rights of Indians. Its mission is to ensure the growth of digitization with fundamental rights guaranteed under the Constitution of India. IFF works on a wide range of issues, specializing in internet shutdowns, digital access, and free expression. It has provided legal assistance on internet shutdowns to petitioners before the Indian Supreme Court in *Anuradha Bhasin v. Union of India*, 2020, and *Foundation of Media Professionals v. Union Territory of Jammu & Kashmir*, 2020. IFF is also involved in litigation challenging illegal, frequent, and arbitrary internet suspensions in the states of Rajasthan, West Bengal, and Assam. The group is involved in advocacy for preserving internet access, including by filing Right to Information applications to increase transparency surrounding internet shutdowns, and making representation before officials and regulatory bodies of the central and state governments in India.

This report is based on field research and interviews conducted in India from July 2022 to February 2023. Human Rights Watch and IFF interviewed over 50 people affected by internet shutdowns in Jammu and Kashmir, Rajasthan, Haryana, Jharkhand, Assam, Manipur, and Meghalaya. Jammu and Kashmir has had the most shutdowns in the country, closely followed by Rajasthan.

In addition, the two organizations spoke to more than 20 lawyers, lawmakers, digital rights experts, civil society activists, and journalists to understand how internet shutdowns affect access to other basic rights, and the government's compliance with domestic and international law, and orders from Indian courts.

The report also includes information from Right to Information requests filed by IFF with 28 state governments in February 2022. The Right to Information applications asked the governments to provide details regarding all internet shutdowns that they imposed in their territories after the Supreme Court, in its January 10, 2020 judgment in *Anuradha Bhasin v. Union of India & Ors.*, set out procedural safeguards for suspending internet services. It

directed the authorities to publish internet suspension orders and to ensure that the orders are lawful, necessary, proportionate, and limited in scope. The Right to Information requests sought to monitor state government compliance with the ruling as well as applicable law. Fifteen state governments responded to the Right to Information request. The findings are recorded in chapter V and in the appendix.

In cases in which the authorities failed to respond or refused to provide information, IFF filed first, and if necessary, second appeals. At the time of writing, second appeals were pending before the State Information Commissions of Punjab and Jharkhand.

The appendix documents a comprehensive list of internet shutdowns over three years following the Supreme Court's *Anuradha Bhasin* judgment in January 2020, until December 2022, in all 28 Indian states.

The report also draws upon secondary literature, including research published by other rights groups, United Nations human rights experts, media reports, government reports, and court rulings.

The report uses pseudonyms for interviewees where requested, with identifying information withheld to protect interviewees' privacy and safety. Human Rights Watch and IFF provided no remuneration or other inducement to the interviewees.

I. Background

Internet shutdowns are measures taken by a government to intentionally disrupt access to, and the use of, information and communications systems online. Experts define internet shutdowns to include actions that restrict access to the internet completely, or slow down speed, or restrict certain content.[1]

Governments can slow down speed by throttling bandwidth or limiting mobile service to 2G, which, while nominally maintaining access, renders it extremely difficult to make meaningful use of the internet. In particular, bandwidth throttling interferes with the ability to share and watch video footage and live streams. Another intervention is to allow access to some websites and services, also known as "whitelisting," while continuing to shut down access to the rest of the internet. Shutdowns may affect towns or regions within a country, an entire country, or even multiple countries, and may last for periods ranging from hours to months.

Internet shutdowns are different from website blocking when certain websites or services are shut down. This report examines internet shutdowns in which the authorities completely cut off access on mobile phones, cut off access on both mobile and fixed line internet, deliberately slowed down or throttled internet speeds, or whitelisted certain sites.

Since 2018, India has shut down the internet more than any other country in the world. While the authorities have imposed a complete internet blackout in some instances in some parts of the country, more often, the shutdowns involve cutting off access to the internet on mobile phones. This, however, amounts to an internet blackout for the majority of the population because, as of November 2022, according to government data, 96 percent of internet subscribers accessed it using mobile devices while only 4 percent had access to fixed line internet.[2] Mobile connectivity is even more critical in rural areas, as 94

[1] UN Human Rights Council, "Internet shutdowns: trends, causes, legal implications and impacts on a range of human rights," Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/50/55, May 2022, https://www.ohchr.org/en/documents/thematic-reports/ahrc5055-internet-shutdowns-trends-causes-legal-implications-and-impacts (accessed January 4, 2023).

[2] Highlights of Telecom Subscription Data as on November 30, 2022, Telecom Regulatory Authority of India, January 27, 2023, https://trai.gov.in/sites/default/files/PR_No.05of2023.pdf (accessed January 31, 2023). Note that these figures

percent of fixed line connections were concentrated in urban areas as of March 2021.[3] The shutdowns thus disproportionately hurt people who cannot afford fixed line internet or those in rural and remote areas, where there is little to no access to fixed line internet.

Lack of Official Data

There is no official data on internet shutdowns because the central government does not keep a record.[4] However, some rights groups and technology companies collect data on internet shutdowns. The international digital rights group Access Now and the #KeepItOn coalition reported that in 2022, India was responsible for the most shutdowns in the world for the fifth consecutive year, with 84 shutdowns out of 187 globally.[5] In 2021, according to the tech giant Meta, there were 101 intentional internet disruptions globally, out of which 41—more than any other country—were in India.[6] While their numbers may differ depending on their sources and methodology, most data show that the largest number of intentional internet disruptions by the authorities took place in India.

Digital India

Internet shutdowns run contrary to the commitments to digital freedoms made by the Bharatiya Janata Party (BJP)-led government of Prime Minister Narendra Modi. In June 2022, India signed a statement along with Group of Seven (G7) nations and four other countries, committing to ensure "an open, free, global, interoperable, reliable and secure internet."[7] As a signatory to the Resilience Democracies statement, India also resolved to

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exclude internet subscribers with connections below 512 kbps yet as of June 2022, this included less than 0.1 percent of all fixed line and 4.7 percent of all mobile subscribers. The Indian Telecom Services Performance Indicators: April – June, 2022, Telecom Regulatory Authority of India, November 23, 2022, p. 42-43, https://www.trai.gov.in/sites/default/files/QPIR_23112022.pdf (accessed January 13, 2023), p. 35, Table 1.28.

[3] "Recommendations on Roadmap to Promote Broadband Connectivity and Enhanced Broadband Speed," Telecom Regulatory Authority of India, August 31, 2021, https://trai.gov.in/sites/default/files/Recommendations_31082021.pdf, para 6.18 and Table 6.3., (accessed May 25, 2023).

[4] Minister of State for Communications, Government of India, in reply to unstarred question no. 1305, Lok Sabha, February 9, 2022.

[5] "Weapons of control, shields of impunity: Internet shutdowns in 2022," Report by Access Now for the #KeepItOn coalition, February 2023, https://www.accessnow.org/internet-shutdowns-2022/ (accessed March 9, 2023).

[6] Meta Transparency Center, Internet disruptions from January to December 2021, https://transparency.fb.com/data/internet-disruptions/ (accessed January 4, 2023).

[7] 2022 Resilient Democracies Statement, June 27, 2022, https://www.consilium.europa.eu/media/57543/2022-06-27-g7-resilient-democracies-statement-data.pdf (accessed January 18, 2023).

protect "the freedom of expression and opinion online and offline and ensuring a free and independent media landscape through our work with relevant international initiatives."[8]

In July 2015, the Indian government launched its flagship "Digital India" program aimed at improving internet accessibility for all citizens, including in rural areas, and deliver essential services online in a transparent manner, reducing scope for corruption. The government stated in December 2022: "The overall goal is to ensure that digital technologies improve the life of every citizen, expand India's digital economy, and creating investment and employment opportunities and create digital technological capabilities in India."[9]

Since then, the government has been pushing digitization in every aspect of life. It has promoted mobile banking, digital payments, and financial inclusion through the internet, including measures to reduce the cash economy. The Indian government's digitization drive has made internet access essential for all rights entitlements from the right to work, to the right to food. All government welfare schemes are now linked to Aadhaar, the biometric identity card, and many require the internet to verify Aadhaar authentication at the point of delivery.

Only one out of three Indians in rural areas have access to the internet, while in urban areas, people have, on average, more than one internet connection.[10] To address the digital divide, the central government has launched several initiatives, including to bring fixed line internet connectivity to rural areas.[11] However, as India goes more digital, the authorities have also begun to suspend internet services more frequently.

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[8] Ibid.

[9] "Achievements Made under Digital India Programme," Press Release, Ministry of Electronics and Information Technology, Government of India, December 23, 2022, https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1885962#:~:text=Government%20has%20launched%20the%20Digital,and%20bridging%20the%20digital%20divide (accessed January 7, 2023).

[10] "The Indian Telecom Services Performance Indicators: April – June, 2022," Telecom Regulatory Authority of India, November 23, 2022, p. 42-43, https://www.trai.gov.in/sites/default/files/QPIR_23112022.pdf (accessed January 13, 2023).

[11] The government launched the National Digital Communications Policy, 2018 to provide last mile connectivity through fixed line Internet, or Fibre-to-Home services or decentralized public Wi-Fi access points. The Department of Telecommunications is implementing the BharatNet project aimed at providing fixed line Internet connectivity to all the Gram Panchayats [elected village councils] across the country by August 2023. It also launched a National Fixed line Internet Mission as part of BharatNet project to connect rural bodies like remotely located hospitals, schools and post offices by providing fixed line internet connectivity and strengthening existing digital communication infrastructure. See "Mixed signals: Observations on

Pradyut Bordoloi, an opposition member of parliament from the northeast state of Assam, has repeatedly said that the increasing number of internet shutdowns cannot be "justified as a solution to law-and-order challenges —it is a disproportionate, collective punishment that violates human rights and is unacceptable in any democratic society and particularly in an age of digital economy."[12] He told Human Rights Watch:

> What the government is saying and what it is doing is paradoxical. On the slightest pretext, they want to shut down the internet. India has a great digital divide and instead of trying to bridge it, they are trying to aggravate it. The shutdowns are particularly of concern in Kashmir and northeast regions. Access to information is especially important in these places.[13]

In 2021, the Parliamentary Standing Committee, in its report examining the impact of shutdowns, said that "when the Government's thrust is on digitization and knowledge economy with free and open access to internet at its core, frequent suspension of internet on flimsy grounds is uncalled for and must be avoided."[14]

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the 2021-22 Budget," Internet Freedom Foundation, February 2021, https://internetfreedom.in/budget-2021-22/; "Digitization of Panchayats," Press Information Bureau, Ministry of Panchayati Raj, Government of India, July 19, 2022, https://pib.gov.in/Pressreleaseshare.aspx?PRID=1842769 (accessed January 12, 2023).

[12] "Congress MP Questions Increase In Internet Shutdowns Under NDA," *Outlook*, August 8, 2022, https://www.outlookindia.com/national/congress-mp-questions-increase-in-internet-shutdowns-under-nda-news-215027 (accessed February 17, 2023).

[13] Ibid.

[14] "Suspension of Telecom Services/Internet and its Impact," Twenty-sixth report of the Standing Committee on Communications and Information Technology 2021-22, 17th Lok Sabha, December 2021, https://eparlib.nic.in/bitstream/123456789/820699/1/17_Communications_and_Information_Technology_26.pdf (accessed January 4, 2023).

II. Legal Provisions Allowing Internet Suspension

India's laws to regulate internet shutdowns use overbroad language, lack adequate safeguards to ensure principles of necessity and proportionality, and lack any effective accountability mechanism or judicial and parliamentary oversight, allowing for frequent misuse by central and state governments.

Until 2017, authorities routinely shut down the internet using section 144 of the Code of the Criminal Procedure. While the government has the responsibility to prevent violence, section 144 gives overbroad powers to a district magistrate to take any immediate measures to prevent "obstruction, annoyance or injury to any person lawfully employed, or danger to human life, health or safety, or a disturbance of the public tranquility, or a riot, of an affray."[15] The provision also allows magistrates to pass such orders ex parte—done on the basis of only one party—in "circumstances of emergency" as determined by them, without any built-in review mechanism.[16]

These powers could be misused because they allow officials, based solely on their opinion or assessment of likely risk of violence, to suspend the internet to maintain public order without accountability or any form of oversight.

Indian Telegraph Act and Temporary Suspension of Telecom Services Rules

To better regulate shutdowns, the Indian government in 2017 adopted the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, under section 7 of the Indian Telegraph Act, 1885.[17]

According to the data from Software Freedom Law Center, which has been tracking internet shutdowns in India since 2012, shutdowns have increased since the Telecom Suspension

[15] Code of Criminal Procedure, Act no. 2 of 1974, s.144, https://indiankanoon.org/doc/930621/ (accessed January 10, 2023).

[16] Nakul Nayak, "The Legal Disconnect: An Analysis of India's Internet Shutdown Laws," Internet Freedom Foundation Research Series, Working Paper No. 1/2018, September 2018, https://internetfreedom.in/the-legal-disconnect-an-analysis-of-indias-internet-shutdown-laws/ (accessed January 4, 2023).

[17] Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017, Ministry of Communications, Government of India, G.S.R. 998(E), August 7, 2017, https://dot.gov.in/sites/default/files/Suspension%20Rules.pdf (accessed January 4, 2023).

Rules were adopted. Shutdowns increased from 79 in 2017 to 135 in 2018, and 77 in 2022, averaging 110 per year over the 2018-2022 period.[18] Another group, Access Now, puts the number of shutdowns in 2022 at 84.[19]

India's central and state governments are permitted to restrict or temporarily suspend internet services under section 5(2) of the Indian Telegraph Act, 1885.[20] This is in case of public emergency or in the interest of public safety, including when it is necessary or expedient in the interest of "sovereignty and integrity of India, the security of the State, friendly relations with foreign States or public order or for preventing incitement to the commission of an offence."[21] However, these broad terms of public emergency and public safety are not defined in law. In 2021, when the Parliamentary Standing Committee on Communications and Information Technology said there was a need to properly define public safety and public emergency, officials from the central government's Ministry of Home Affairs, which oversees law enforcement, did not do so.[22]

Even though the 2017 Telecom Suspension Rules were brought in to better regulate the shutdowns, they were legislated in an opaque manner, without the standard public consultations with civil society and experts that normally accompany such legislation.[23] They also did not include an effective accountability mechanism or limit the overbroad language in the Telegraph Act. According to the Telecom Suspension Rules, only a union or state home secretary is designated as a "competent authority" who can issue internet suspension orders. In case of emergencies where this is not possible, a joint secretary-

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[18] India Internet shutdown tracker by Software Freedom Law Center, https://internetshutdowns.in/ (accessed January 18, 2023).

[19] "Weapons of control, shields of impunity: Internet shutdowns in 2022," Report by Access Now for the #KeepItOn coalition, February 2023, https://www.accessnow.org/internet-shutdowns-2022/ (accessed March 9, 2023).

[20] The Indian Telegraph Act, No. 13 of 1885, s.5(2) https://dot.gov.in/sites/default/files/the_indian_telegraph_act_1985_pdf.pdf (accessed January 6, 2023).

[21] Ibid.

[22] A ministry representative said: "Sir, these words occur in the Telegraph Act, which is administered by DoT [Department of Telecommunications]. So, in the definitions of that Act they will have to search whether there are any explanations." See "Suspension of Telecom Services/Internet and its Impact," Twenty-sixth report of the Standing Committee on Communications and Information Technology 2021-22, 17th Lok Sabha, December 2021, https://eparlib.nic.in/bitstream/123456789/820699/1/17_Communications_and_Information_Technology_26.pdf (accessed January 4, 2023).

[23] Nakul Nayak, "The Legal Disconnect: An Analysis of India's Internet Shutdown Laws," Internet Freedom Foundation Research Series, Working Paper No. 1/2018, September 2018, https://internetfreedom.in/the-legal-disconnect-an-analysis-of-indias-internet-shutdown-laws/ (accessed January 4, 2023).

level officer, duly authorized, can issue suspension orders subject to confirmation from the respective competent authority within 24 hours. If no confirmation is received, such orders would cease to exist. Telecom service providers should be given directions of suspensions by an officer not below the rank of superintendent of police or equivalent rank.[24]

The Telecom Suspension Rules further require suspension orders to contain reasons for a shutdown and for the authorities to forward them to a review committee latest by next working day.[25] Review committees are, however, made up of three officials from the central and state governments and thus lack independence. They are tasked with examining the legality of internet suspension orders and must meet within five days after the order is issued.[26] However, the committee simply records its findings and does not have the power to stay or set aside suspension orders even when they are illegal. Moreover, the five-day period to examine the legality of shutdowns is often meaningless since most state governments suspend and restore the internet in that time.

In November 2020, the government amended the rules to limit internet suspension orders to 15 days.[27] But there is nothing in the Telecom Suspension Rules preventing the government from passing a new suspension order every 15 days since the law does not limit the total duration of the shutdown but only limits the duration of each order. This amendment, too, was brought into effect without any public consultation despite the destructive impact on rights, and did not address concerns over lack of transparency and accountability. The Department of Telecom told the Parliamentary Standing Committee that it had only consulted the Ministry of Law and Justice and the Ministry of Home Affairs before issuing the 15-day amendment. "No mechanism, as yet, has been laid down for regular consultation with various stakeholders including civil societies and public," the Committee's report noted.[28]

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[24] Ibid., rule 2(3).

[25] Ibid., rule 2(2).

[26] Ibid., rules 2(5) and 2(6).

[27] Temporary Suspension of Telecom Services (Amendment) Rules, 2020, G.S.R. 694 (E), November 10, 2020, https://dot.gov.in/sites/default/files/2020_11_11%20PEPS%20AS.pdf (accessed January 7, 2023).

[28] "Suspension of Telecom Services/Internet and its Impact," Twenty-sixth report of the Standing Committee on Communications and Information Technology 2021-22, 17th Lok Sabha, December 2021, https://eparlib.nic.in/bitstream/123456789/820699/1/17_Communications_and_Information_Technology_26.pdf (accessed January 4, 2023).

A case challenging the constitutionality of the Telecom Suspension Rules has been pending before the Gauhati High Court, in Assam.[29] The petition—IFF is a party to the proceedings—was admitted in February 2020, and argued that the law violated articles 14, 19, and 21 of the Indian constitution guaranteeing equality, freedom of expression, and right to life and personal liberty, and went beyond the scope, ambit, and legislative intent of sections 5(2) and 7 of the Indian Telegraph Act, 1885.[30]

Section 144

The Department of Telecom told the Parliamentary Standing Committee in 2021 that the "understanding is that prior to these [Telecom Suspension] Rules, recourse was taken to section 144 to do the suspension. But once the Rules have come, then the suspension is done under these Rules."[31] However, at the same time, the central government said that it kept no record of whether section 144 was used for shutdowns or whether authorities other than those specified in the Telecom Suspension Rules continued to give orders to suspend the internet, making clear that the government had not established any monitoring of internet shutdowns.

News reports indicate that state and district officials have continued to order shutdowns under section 144, which empowers the state to take preventive measures to deal with imminent threats to public order. While social media has been used occasionally to incite violence, the authorities, instead of focusing on proportionate or necessary regulatory solutions, including very limited and targeted restrictions on specific accounts or on the content inciting violence, choose the route of suspending the internet under section 144, thus denying entire communities access to key services.[32]

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[29] *Ajit Bhuyan v. Union of India*, PIL 79/2019, Gauhati High Court.

[30] "Gauhati HC allows IFF's intervention application in petition challenging the constitutionality of internet shutdown rules #KeepItOn," Internet Freedom Foundation, February 1, 2022, https://internetfreedom.in/gauhati-hc-internet-shutdown-rules-update/ (accessed January 14, 2023).

[31] "Suspension of Telecom Services/Internet and its Impact," Twenty-sixth report of the Standing Committee on Communications and Information Technology 2021-22, 17th Lok Sabha, December 2021, https://eparlib.nic.in/bitstream/123456789/820699/1/17_Communications_and_Information_Technology_26.pdf (accessed January 4, 2023).

[32] Newley Purnell and Jeff Horwitz, "Facebook Services are Used to Spread Religious Hatred in India, Internal Documents Show," *Wall Street Journal*, October 23, 2021, https://www.wsj.com/articles/facebook-services-are-used-to-spread-religious-hatred-in-india-internal-documents-show-11635016354; Alexandra Stevenson, "Facebook Admits It Was Used to Incite Violence in Myanmar," *New York Times*, November 6, 2018, https://www.nytimes.com/2018/11/06/technology/myanmar-facebook.html (accessed March 11, 2023).

In June 2022, the Rajasthan state government shut down mobile internet services across the state under section 144 ostensibly to prevent communal violence, following the beheading of a Hindu tailor by two Muslim men.[33] In May 2022, the district magistrate in Jodhpur in Rajasthan shut down mobile internet following communal violence.[34] In March 2022, the West Bengal state government ordered the suspension of all forms of internet services during specific hours for eight days across multiple districts under section 144 as well as Telecom Suspension Rules, later admitting during court proceedings that the unlawful activities that the government aimed to curb was cheating during school examinations, which should be prevented by other means.[35]

In November 2021, officials in Amravati district in Maharashtra state shut down mobile internet services for four days under section 144 to curb violence.[36] In July 2021, district officials shut down the internet services for one day in Baran in Rajasthan under section 144 to prevent violence after a teenager was found murdered.[37] In April 2018, news website *Scroll.in* reported that district magistrates in three states—West Bengal, Rajasthan, and Uttar Pradesh—ordered internet shutdowns under section 144, bypassing the Telecom Rules.[38]

In its 2021 report, the Parliamentary Standing Committee noted that the Telecom Department had failed to take effective measures to ensure the Telecom Rules were implemented. It recommended that the department put in place a robust monitoring

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33 "Tailor murder: Prohibitory orders imposed, mobile internet suspended across Rajasthan," Press Trust of India, June 28, 2022, https://economictimes.indiatimes.com/news/india/tailor-murder-prohibitory-orders-imposed-mobile-internet-suspended-across-rajasthan/articleshow/92527223.cms (accessed January 5, 2023).

34 Sashwat Saha, "Internet Blocked In Jodhpur For Unspecified Amount Of Time," *Medianama.com*, May 4, 2022, https://www.medianama.com/2022/05/223-internet-shutdown-jodhpur-rajasthan/ (accessed January 4, 2023).

35 "Calcutta HC stays internet shutdown issued by West Bengal Government," Internet Freedom Foundation, March 10, 2022, https://internetfreedom.in/calcutta-hc-stays-internet-shutdown-issued-by-west-bengal-government/ (accessed January 15, 2023).

36 "Internet switched off, 4-day curfew imposed in Amravati amid fresh violence," Press Trust of India, November 14, 2021, https://www.business-standard.com/article/pti-stories/maha-four-day-curfew-in-amravati-internet-shut-down-as-fresh-violence-erupts-121111301056_1.html (accessed January 6, 2023).

37 "Curfew imposed in Rajasthan district after teen's murder," Press Trust of India, July 11, 2021, https://www.indiatvnews.com/news/india/rajasthan-curfew-imposed-internet-services-suspended-teenager-murder-case-baran-district-718478 (accessed January 6, 2023).

38 Arunabh Saikia, "India's Internet shutdown: Most states block services without following Centre's new rules," *Scroll.in*, April 7, 2018, https://scroll.in/article/874565/internet-shutdown-most-states-continue-to-block-services-without-adhering-to-the-centres-new-rules (accessed January 5, 2023).

mechanism to ensure states do not resort to section 144 to shut down the internet without due process.[39]

New Telecom Bill, 2022

In October 2022, the central government's Department of Telecommunications released the Indian Telecommunications Bill, 2022, proposing to further expand the powers of the central and state governments to suspend internet services.[40] Sections 24 and 25 of the bill propose to grant them overbroad powers when they deem it "necessary or expedient" to do so "in the interest of national security, friendly relations with foreign states, or in the event of war."[41] The law, if passed, would allow government officials to arbitrarily impose network disruptions at their discretion, without any meaningful safeguards, limitations, or remedies or accountability.

The Indian Telecommunications Bill appears to contravene the Supreme Court of India's judgment in *Anuradha Bhasin v. Union of India*, which highlighted the importance of internet access for fundamental rights protected by the Indian Constitution. It also neglects the recommendations in the report of the Parliamentary Standing Committee on Information Technology on suspension of telecom and internet services.

Role and Responsibilities of Telecom Service Providers

The Central Government grants licenses under section 4 of the Indian Telegraph Act to various types of telecom services, including internet services.[42] While the government issues suspension orders, they are carried out by telecom service providers who are license-bound to comply with these orders or face suspension or revocation of license, financial penalty, and even criminal prosecution.[43] The Unified License Agreement, which

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[39] Ibid.

[40] Draft Indian Telecommunication Bill, 2022, Department of Telecommunications, Ministry of Communications, Government of India, https://dot.gov.in/sites/default/files/Draft%20Indian%20Telecommunication%20Bill%2C%202022.pdf (accessed January 15, 2023).

[41] Ibid., secs. 24 and 25.

[42] Indian Telegraph Act, s.4. Section 7 of the Telegraph Act also empowers the central Government to make rules for the conduct of telegraphs.

[43] Under clause 10.1(ii) of the Unified License Agreement, the government reserves the right to suspend the operation of License/Service Authorization in whole or in part, at any time, if, in its opinion, it is necessary or expedient to do so in public interest or in the interest of the security of the state or for the proper conduct of the Telegraph. License Agreement for Unified

permits these operators to provide services, also requires them to comply with directions issued by the government to exercise its suspension powers under section 5(2) of the Telegraph Act.[44]

Telecom service providers have rarely ever resisted shutdown orders, even though they result in substantial economic losses. In December 2019, Cellular Operators Association of India, representing some of the biggest telecom companies in the country, estimated that mobile operators lost nearly US$350,000 in revenue every hour they were forced to shut down the internet.[45] In September 2022, the Internet and Mobile Association of India wrote to the central government, asking it to exercise oversight over internet shutdowns, saying the current system in which states have the power to suspend internet services "causes significant inconvenience to local public at large."[46]

The United Nations Guiding Principles on Business and Human Rights establish companies' responsibilities when faced with requests for disruptions.[47] Since shutdowns have a direct impact on the human rights of all those deprived of communications channels, it is vital that companies' human rights policies address shutdowns by anticipating risks and exploring all lawful measures to challenge the implementation of disruptions.[48]

License, Ministry of Communications and Information Technology, Government of India, https://dot.gov.in/sites/default/files/Unified%20Licence_0.pdf (accessed January 6, 2023). Under section 188 of the Indian Penal Code, those disobeying an order by a public servant authorized to give such an order, and if such disobedience causes harm, they can be punished with up to six months in prison. Indian Penal Code, No. 45 of 1860, sec. 188, https://indiankanoon.org/doc/1432790/ (accessed January 5, 2023).

[44] License Agreement for Unified License, Ministry of Communications and Information Technology, Government of India, https://dot.gov.in/sites/default/files/Unified%20Licence_0.pdf (accessed January 6, 2023).

[45] "Indian mobile carriers losing ₹2.4 cr revenue every hour owing to internet shutdowns," Reuters, December 2019, https://www.livemint.com/industry/telecom/indian-mobile-carriers-losing-rs-2-4-cr-revenue-every-hour-owing-to-internet-shutdowns-11577460131477.html (accessed January 5, 2023).

[46] Munsif Vengattil and Aditya Kalra, "Tech, telco firms in India seek federal oversight of internet shutdowns," Reuters, September 7, 2022, https://www.reuters.com/business/media-telecom/tech-telco-firms-india-seek-federal-oversight-internet-shutdowns-2022-09-07/ (accessed January 6, 2023).

[47] UN Human Rights Council, "Internet shutdowns: trends, causes, legal implications and impacts on a range of human rights," Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/50/55, May 2022, https://www.ohchr.org/en/documents/thematic-reports/ahrc5055-internet-shutdowns-trends-causes-legal-implications-and-impacts (accessed January 4, 2023).

[48] Ibid.

Transparency is critical to stopping shutdowns and limiting their harmful consequences. Companies implementing or affected by restrictions are often the first, and sometimes the only, ones able to share accurate information on the nature of a shutdown and its scope. Therefore, clearly established practices for documenting and escalating demands within companies are vital to ensuring that information is quickly and effectively assessed. State-owned enterprises are bound by even higher standards, given their direct obligation to protect rights.[49] Where possible, companies should collaborate with local and international stakeholders to mitigate harms.

Increasing demands over the years for carrying out communications disruptions have led private companies globally to create voluntary initiatives aimed at improving responses to such pressure. One example is the Global Network Initiative, which has adopted the Global Principles on Freedom of Expression and Privacy, developed by companies, investors, civil society organizations and academics. The Global Principles are based on international laws and standards to protect, promote and support human rights, including through improved responsible decision-making, shared learning and multi-stakeholder collaboration.[50] According to the Global Principles:

> If national laws, regulations and policies do not conform to international standards, ICT [Information and Communications Technology] companies should avoid, minimize, or otherwise address the adverse impact of government demands, laws, or regulations, and seek ways to honor the principles of internationally recognized human rights to the greatest extent possible. ICT companies should also be able to demonstrate their efforts in this regard.[51]

[49] Ibid.

[50] GNI Principles on Freedom of Expression and Privacy, Global Network Initiative, May 2017, https://globalnetworkinitiative.org/wp-content/uploads/2018/04/GNI-Principles-on-Freedom-of-Expression-and-Privacy.pdf (accessed January 6, 2023).

[51] Ibid.

Indian Court Rulings

State-ordered disruptions in access to the internet and telecommunication services, their impact on freedom of expression and information, as well as data security and rights to privacy, have all been challenged in the courts.

Anuradha Bhasin v. Union of India

In January 2020, in a landmark judgment *Anuradha Bhasin v. Union of India* and *Ghulam Nabi Azad v. Union of India*, the Supreme Court held that suspension of internet services is a "drastic measure" that must be considered by the state only if it is "necessary" and "unavoidable," after assessing the "existence of an alternate less intrusive remedy."[52]

The petitions were filed in 2019 by Anuradha Bhasin, editor of the newspaper *Kashmir Times*, and then leader of the opposition in the Rajya Sabha, the upper house of parliament, Ghulam Nabi Azad. They challenged the prolonged internet shutdown in Jammu and Kashmir, which had been imposed by the central government on August 4, 2019, in anticipation of civil unrest after it revoked the region's special constitutional autonomous status and split it into two centrally governed territories. Bhasin argued that the ban on communication services, in particular the restrictions placed on the internet, had affected both her right to free speech and her newspaper's right to freedom of the press. Azad, who like countless others, had been prohibited from visiting the Kashmir Valley during the shutdown, until the Supreme Court intervened, said the shutdown had seriously impaired fundamental rights of the people, including their right to access health care and livelihood.

While the court did not rule on whether the right to access the internet is a fundamental right, it said:

> We are confining ourselves to declaring that the right to freedom of speech and expression under Article 19(1)(a), and the right to carry on any trade or

[52] *Anuradha Bhasin v. Union of India and Ghulam Nabi Azad v. Union of India,* (2020) 3 SCC 637, Supreme Court of India, Writ Petitions (Civil) Nos. 1031 and 1164 of 2019, Judgment on January 10, 2020, https://main.sci.gov.in/supremecourt/2019/28817/28817_2019_2_1501_19350_Judgement_10-Jan-2020.pdf (accessed January 12, 2023). Internet Freedom Foundation assisted a petitioner in this case, providing legal representation to Foundation for Media Professionals. This petition was heard together with the lead petition by the Supreme Court.

> business under 19(1)(g), using the medium of internet is constitutionally protected.[53]

The court formally endorsed the principle of proportionality as the appropriate standard to review restrictions on internet access, but it simultaneously warned against "excessive utility of the proportionality doctrine in the matters of national security, sovereignty and integrity."[54]

However, the national security exception carved out by the state sets a dangerous precedent, legal experts wrote in the *Indian Journal of Constitutional Law*:

> The Court neither explained why such an exception is warranted nor did it provide an alternate standard of review which would be appropriate for cases involving national security implications. Hence, the Court side-stepped any guarantee that the proportionality standard will be consistently applied in the future, and this loophole limits the judgement's ability to deter arbitrary executive action in case of internet shutdowns or even other matters in which the plea of national security could be raised.[55]

The Supreme Court also did not conduct any procedural review of the suspension orders issued under the Telecom Suspension Rules and section 144 of the Code of Criminal Procedure, saying the government did not place all orders on record.[56] However, the government did present eight sample orders before the court and the petitioners argued that they violated several procedures. For instance, the petitioners said that the sample orders under the Telecom Suspension Rules that were issued by the inspector general of police violated rule 2(1), which permits only a union or state home secretary to issue internet suspension orders.

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53 Ibid.

54 Ibid.

55 Devdutta Mukhopadhyay and Apar Gupta, "Jammu & Kashmir Internet Restrictions Cases: A Missed Opportunity to Redefine Fundamental Rights in the Digital Age," Indian Journal of Constitutional Law 2020, August 18, 2020, https://ijcl.nalsar.ac.in/wp-content/uploads/2020/08/9IndianJConstL207_MukhopadhyayGupta.pdf (accessed January 18, 2023). The writers served as counsel for one of the parties in *Anuradha Bhasin v. Union of India* and *Foundation for Media Professionals v. Union Territory of Jammu & Kashmir*.

56 Gautam Bhatia, "The Devil's In The (Future) Detail: The Supreme Court's Internet Shutdown Judgment," *Medianama.com*, January 11, 2020, https://www.medianama.com/2020/01/223-supreme-court-internet-shutdowns-kashmir/ (accessed January 15, 2023).

The Supreme Court recognized the lack of procedural safeguards in the legal framework regulating internet shutdowns. However, while it observed that internet shutdowns cannot be indefinite, it did not rule on the validity of the internet shutdowns in Kashmir or reverse the shutdown that had then been in effect for over five months. Instead, the court merely directed the state government to review all relevant orders, and said that the authorities should restore essential internet services in areas where it could not be immediately fully restored.

Other Significant Judgments

In September 2019, the Kerala High Court gave a landmark ruling in *Faheema Shirin v. State of Kerala* that the right to have access to the internet was a part of right to education as well as the right to privacy under article 21 of the Constitution.[57] The petition was filed by Faheema Shirin against discriminatory rules in dormitories for women students restricting the use of mobile phones between 6 p.m. and 10 p.m., which prevented them from accessing the internet. The petitioner was subsequently arbitrarily expelled from the dorm for protesting the rules, and had sought judicial intervention.

In May 2020, the Supreme Court in *Foundation of Media Professionals v. Union Territory of Jammu & Kashmir* held that internet suspension orders must be territorially restricted to reduce harm.[58] The petitioners, Foundation of Media Professionals, Private Schools Association of Jammu and Kashmir, and Soayib Qureshi had approached the court when, after five months of complete internet shutdown, the authorities had only restored mobile internet to 2G level on January 25, 2020. The petitioners sought access to 4G mobile internet arguing that during Covid-19 and the subsequent national lockdown, internet restrictions affected their right to health, education, livelihood, and freedom of expression. The court directed the authorities to set up a special committee of state and national-level bureaucrats to determine whether the internet restrictions should continue, and held, "One of the criteria for testing the proportionality of the orders is the territorial extent of

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[57] *Faheema Shirin v. State of Kerala*, WP(C) No.19716 of 2019-L, Kerala High Court, Judgment on September 19, 2019, https://sflc.in/kerala-high-court-declares-right-access-internet-fundamental-right (accessed January 14, 2023).

[58] *Foundation of Media Professionals v. Union Territory of Jammu & Kashmir, Soayib Qureshi v. Union Territory of Jammu & Kashmir, Private Schools Association Jammu and Kashmir v. Union Territory of Jammu & Kashmir,* (2020) 5 SCC 746, Supreme Court of India, Writ petitions (Civil) No. 10817, 10875, and 10904 of 2020, Judgment of May 11, 2020, https://indiankanoon.org/doc/123992151/ (accessed January 14, 2023). Internet Freedom Foundation provided legal representation to the Foundation for Media Professionals.

the restrictions... In this regard, our attention is drawn to the fact that blanket orders have been passed for the entire territory rather than for specific affected areas."[59]

In recent years, Indian courts have stayed internet suspension orders at least twice, offering relief to affected populations.

In December 2019, the Gauhati High Court directed the Assam state government to restore mobile internet services that were suspended in response to protests against the Citizenship Amendment Act passed by the central government. The Assam government had ordered all forms of internet services to be suspended on December 11, first in 10 districts and then throughout the state.[60] On December 17, the state government restored fixed line internet services, but mobile internet remained suspended until the morning of December 20. The court, responding to four public interest litigations challenging the legality of the suspension orders, held that the state government had failed to demonstrate how the prevailing law and order situation necessitated continuing the internet suspension.[61]

On March 10, 2022, the Calcutta High Court stayed a state government order to suspnd internet services as a preventive measure. The state government ordered that all forms of internet services be suspended during specific hours for eight days between March 8 and March 16 across multiple districts, saying that it feared the internet may be used for unlawful activities, but did not specify. However, the dates and times when the authorities wanted to block the internet coincided with secondary school examinations, suggesting unlawful activities that the government said it wanted to curb was actually cheating in tests.[62] In response to a petition, filed by a digital literacy fellow at the IFF, the court stayed the suspension order saying it was issued by an authority not empowered to do so under

[59] Ibid.

[60] "Guwahati HC directs Assam govt to restore mobile internet services by 5 pm," Press Trust of India, December 19, 2019, https://www.business-standard.com/article/current-affairs/guwahati-hc-directs-assam-govt-to-restore-mobile-internet-services-by-5-pm-119121900961_1.html (accessed January 15, 2023).

[61] "Gauhati HC allows IFF's intervention application in petition challenging the constitutionality of internet shutdown rules #KeepItOn," Internet Freedom Foundation, February 1, 2022, https://internetfreedom.in/gauhati-hc-internet-shutdown-rules-update/ (accessed January 14, 2023).

[62] *Ashlesh Biradar v. The State of West Bengal*, March 10, 2022, WPA (P) 104 of 2022, Calcutta High Court, Interim Order March 10, 2022, https://www.livelaw.in/pdf_upload/ashlesh-biradar-v-state-of-west-bengal-411823.pdf (accessed January 15, 2023).

section 144 of the Criminal Procedure Code, it did not disclose why the internet needed to be suspended, and that it failed the proportionality test.[63]

[63] Ibid. See also final order in this case by the Calcutta High Court on July 18, 2022, https://indiankanoon.org/doc/120670550/ (accessed January 15, 2023).

III. Impact of Internet Shutdowns on Human Rights

> When you see a shutdown happen, it's time to start worrying about human rights.
>
> —Peggy Hicks, Director of Thematic Engagement, Special Procedures and Right to Development Division, UN human rights office, June 2022[64]

Internet shutdowns affect a range of fundamental rights including people's ability to receive or impart information, participate in political debates or decisions, conduct economic activities including e-commerce, online banking, and filing taxes, reach their loved ones, or access medical care. Doctors are unable to access vital information and patients' records in time, and students and teachers are unable to access educational materials, or submit applications, or apply for admissions or scholarships.

In India, since shutdowns more frequently affect mobile internet services, they have a disproportionate effect on poor and marginalized communities, many of whom only access the internet on their phones and cannot afford or access fixed line internet.

Rights to Freedom of Expression and Assembly

The internet is vital for the exercise of the rights to freedom of expression and opinion and to peaceful assembly. It has also become essential for journalists, researchers, and human rights activists because they increasingly use encrypted online communications applications to protect themselves and their sources from surveillance, and to keep their sources safe from any kind of retaliation. The internet and especially social media platforms have become an important tool for civil society to mobilize and show solidarity or participate in peaceful dissent.

Media Freedom

Journalists rely on the internet to send their reports on deadline and upload photographs and videos. Many journalists use digital platforms to present or publish their work. An internet shutdown therefore hobbles the efficient and timely gathering and dissemination

[64] "Internet shutdowns impact human rights, economy, and day to day life," UN press release, June 24, 2022, https://news.un.org/en/story/2022/06/1121242 (accessed February 10, 2023).

of news. Most journalists who spoke to Human Rights Watch and Internet Freedom Foundation said that in the absence of the internet, people relied more on rumors, which can cause panic and create greater insecurity.

A Manipur-based journalist, who asked not to be identified, told Human Rights Watch that internet shutdowns affected their ability to do their work: "This is a social media era. All the important updates are made on social media, including by the government, which uses it to post all its notifications. We are totally unaware during internet shutdown. We have no idea what is going on."[65]

A journalist who was in Assam during the sometimes-violent December 2019 protests against the discriminatory the Citizenship Amendment Act, said,

> Both as a reporter and a woman, it felt more unsafe to go out there and report during the protests when the internet was shut down. Internet has become a helpful tool for everyone, especially reporters, in such risky times. Without internet, you could not call for backup or broadcast the trouble you are in, and that made it riskier.[66]

Another journalist caught in a week-long internet shutdown in Ahmedabad, Gujarat state, while covering the 2015 agitation by a community demanding access to jobs and education, said the shutdown also meant no access to any information. He said:

> Had I been able to communicate with other journalists, who mostly prefer to message on WhatsApp, it would have been safer to do the job. Also, there is a lot of surveillance and so as journalists, we prefer not to speak on the phone and prefer to communicate on encrypted platforms, making the work more secure.[67]

[65] Human Rights Watch and Internet Freedom Foundation phone interview with journalist based in Manipur, September 8, 2022.
[66] Human Rights Watch and Internet Freedom Foundation phone interview with journalist based in Assam, September 14, 2022.
[67] Human Rights Watch and Internet Freedom Foundation phone interview with freelance journalist, July 20. 2022.

During the lengthy internet shutdown in Jammu and Kashmir that began in August 2019, journalists were unable to contact their sources or editors, or to file their reports, severely impairing press freedom. The government set up a media center in a private hotel in August, initially with only four terminals that had fixed internet connections to service around 300 journalists working in the valley. The number of computer terminals increased over time following demands from journalists.[68] But the internet service was slow, with photos and videos impossible to transfer, said journalists who had to wait for hours in queue to access a terminal.[69] The worst was surveillance and the inability to protect their sources, if they chose to use the government's media center, journalists said.[70]

This led Anuradha Bhasin, editor of the *Kashmir Times*, to petition the Supreme Court challenging the prolonged internet shutdown in Jammu and Kashmir. The Supreme Court, in *Anuradha Bhasin v. Union of India,* held that suspension of internet services, is a "drastic measure" that the state should consider only if it is "unavoidable."[71]

Rights to Peaceful Protests, Freedom of Assembly

Indian state governments across the country have shut down the internet in response to protests, especially when they are critical of government policies or actions. In December 2019, in response to widespread protests against the Citizenship Amendment Act, several state governments used section 144 of the Criminal Procedure Code to bar public assemblies and at least 10 states—Delhi, Uttar Pradesh, Assam, Arunachal Pradesh, Meghalaya, Tripura, West Bengal, Karnataka, Madhya Pradesh, and Rajasthan—suspended the internet in certain areas.[72]

In November 2020, hundreds of thousands of farmers gathered on the outskirts of the capital, Delhi, to demand that the BJP-led central government withdraw three farm laws passed that September. The protests were peaceful until January 26, 2021, when

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[68] Safwat Zargar, "J&K government misled Supreme Court about Srinagar media centre timings, say journalists," *Scroll.in*, October 15, 2019, https://scroll.in/latest/940645/j-k-government-misled-supreme-court-about-srinagar-media-centre-timings-say-journalists (accessed January 23, 2023).

[69] *Anuradha Bhasin v. Union of India*.

[70] Human Rights Watch phone interview with Kashmiri journalist, November 2, 2022.

[71] *Anuradha Bhasin v. Union of India.*

[72] "The Impact of Internet Shutdowns on Human Rights Defenders in India," American Bar Association Center for Human Rights, July 2022, https://www.americanbar.org/content/dam/aba/administrative/human_rights/justice-defenders/chr-shutdown-report.pdf (accessed February 10, 2023).

protesters broke through police barricades to enter Delhi and clashed with the police. Following the violence, the central government shut down mobile internet services at several protest sites bordering Delhi to "maintain public safety." The Haryana state government also suspended mobile internet services in most of the state until February 1, 2021, and then further extended beyond February 4 in some areas.[73]

Rights groups condemned the shutdowns, saying the government was using them "to suppress the free flow of information related to peaceful assembly and the fundamental right to protest."[74]

As with other protests, farmers had used internet-based communication to organize, drawing people from across several Indian states to the capital's outskirts. The internet helped them to coordinate between the sites, organize food and essential supplies as they sat in protest on the roads for over a year, and to communicate with families and communities back home. The internet was also crucial to disseminate information and present their point of view, especially to counter rumors and inaccurate information presented by those opposed to their protests. "Social media plays an important role in our movement," one farmer told the media in December 2020. "While all kinds of media are writing about us, social media helps us tell our truth in our own words."[75]

Bir Singh, a 64-year-old farmer from Haryana who participated in the protests for a year, said the internet shutdown at the protest site stifled their voices, especially at a time when the media were not reporting their stories, or presenting accurate information. He said that it also caused panic among their families back home and made it difficult for them to organize essential supplies. He said:

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[73] "India: Journalists Covering Farmer Protests Charged," Human Rights Watch news release, February 2, 2021, https://www.hrw.org/news/2021/02/02/india-journalists-covering-farmer-protests-charged (accessed May 26, 2023).

[74] Joint statement by Internet Freedom Foundation, Free Software Movement of India, and Software Freedom Law Centre India, "Joint statement against internet shutdowns to suppress farmers' protests #KeepItOn," February 1, 2021, https://internetfreedom.in/joint-statement-internet-shutdown-farmers-protests/ (accessed February 10, 2023). In further efforts to clampdown on media reporting on the protests, police in several states filed criminal cases against seven senior journalists and editors, and an opposition politician on baseless charges including sedition, promoting communal disharmony, and making statements prejudicial to national integration, claiming they misreported the events around the violence. The police at the protest sites also cracked down on independent media reporting and detained two journalists. See "India: Journalists Covering Farmer Protests Charged," Human Rights Watch news release, February 2, 2021, https://www.hrw.org/news/2021/02/02/india-journalists-covering-farmer-protests-charged (accessed May 26, 2023).

[75] "Social media crucial for our agitation: Farmers on Facebook shutting down protest page," Press Trust of India, December 21, 2020, https://www.livemint.com/news/india/social-media-crucial-for-our-agitation-farmers-on-facebook-shutting-down-protest-page-11608559052824.html (accessed February 10, 2023).

> The authorities shut down the internet not just at protest sites but, at times, they would also suspend the internet in the villages nearby. It made it difficult for us to connect with family members back home or inform them what was happening. We had WhatsApp groups to coordinate so they could help out with milk and food, but we couldn't do that during the internet shutdown because they also shut down the internet in many of the districts where we came from.[76]

Social media also played a huge role in helping them to reach global audiences, including the Indian diaspora, and to receive support and solidarity. Pawan Kumar, 52, a Dalit farmer from Saharanpur district in Uttar Pradesh, said the internet shutdown made it difficult for farmers to continue protesting:

> It made it difficult to coordinate. Earlier, through WhatsApp groups, we would know when to assemble, what to bring to the protest sites, and so on. When the internet was not working for three to four days, we could not do anything. Fewer people assembled at protest sites, and only those who got phone calls from the organizers could come.[77]

Internet shutdowns also prevent unions from organizing workers and affect collective bargaining. Prem Kushwaha, 36, a factory worker and trade union leader in Madhya Pradesh state said, "The internet is important to the work I do. It helps me coordinate with other workers in the factory and organize when we want to raise demands. All our conversations are on WhatsApp. So, if they shut down the internet, it prevents us from communicating effectively."[78]

A human rights activist in Manipur, who asked not to be identified, said he believed the internet shutdowns served political interests rather than address law and order: "By and large it is being weaponized to subdue narratives that are not in the authorities' political interests, and to shut down dissent or critical voices such as voices who ask questions or seek accountability." Internet shutdowns can often do the opposite—instead of quelling rumors, they can fuel them, he said.

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[76] Human Rights Watch and Internet Freedom Foundation interview with Bir Singh, Haryana, September 30, 2022.

[77] Internet Freedom Foundation interview with Pawan Kumar, Delhi, November 13, 2022.

[78] Internet Freedom Foundation interview with Prem Kushwaha, Delhi, November 13, 2022.

> When the internet is shut down, the rumors get worse, and it can be more dangerous. It also affects our ability to work in the field and gather information about human rights violations. In 2022, there was a controversy about a proposed law, and social media was not talking about facts. So, we wanted to put the actual text of the legislation online, but we could not because the authorities shut down the internet. It would have actually helped the government if we were able to do so, but instead rumors spread. If you shut down the internet, facts cannot be communicated.[79]

Access to Education

An April 2022 report by the United Nations special rapporteur on the right to education found that "Internet shutdowns also often have a severe impact on the right to education, impeding learners in accessing online education, taking online exams or applying online for scholarships."[80] The report adds: "Technology can support accessibility by ensuring that all students have access to education through modern technology, including those who have limited physical access for any reason." It further notes that "the right to education must include digital agency as a goal, understood as the ability to control and adapt to a digital world with digital competence, digital confidence and digital accountability."[81]

B.D., 22, a university student in Meghalaya said that internet shutdowns seriously impeded his education:

> As a student, internet is the main source of information for me. Once the internet is shut down, I cannot access anything I need to study. I cannot connect with my friends either in study group discussions. Literally everything I do is on the internet, all my documents, source of information, reference materials, academic articles are mainly on the internet. It hurts students like me disproportionately because the government mostly shuts

[79] Human Rights Watch phone interview with human Rights activist in Manipur, October 31, 2022.

[80] "Impact of the digitalization of education on the right to education," Report by the UN Special Rapporteur on the right to education, Koumbou Boly Barry, UN Doc A/HRC/50/32, April 19, 2022, https://www.ohchr.org/en/documents/thematic-reports/ahrc5032-impact-digitalization-education-right-education (accessed February 15, 2023).

[81] Ibid.

> down mobile internet and we do not have access to fixed line internet in the hostel.[82]

Several state governments in India, including Rajasthan, West Bengal, Arunachal Pradesh, and Assam, have shut down the internet to prevent cheating during examinations. But these shutdowns have caused problems for students taking these exams including their ability to print exam entry passes, or being able to reach the examination halls when they rely on internet maps or use app-based taxi services.[83]

An e-governance service provider in Ajmer district in Rajasthan recalled an instance in June 2022, when an internet shutdown prevented him from helping a child's admission in school: "Three months back, a woman came to me to make her *jan aadhaar* card [a family identity card] and I could not help her. She really needed it for her child's admission. She left eventually, because I could not to do anything without internet access."[84]

Krishna Kumari, 19, from a village in Haryana, graduated from 12th grade in May 2022. During the Covid-19 pandemic, she said, they were completely dependent on the internet for education: "Teachers would send us study materials on WhatsApp. But when the government shut down the internet during farmers protests in 2021, we had no means of studying."[85]

A 20-year-old woman from Bhilwara district in Rajasthan said internet shutdowns disrupted her ability to prepare for an exam to teach in government schools, in July 2022. "When they shut down the internet so close to the exams," she said, "we could not access study materials online and it really disturbed my studies."[86]

In *Faheema Shirin v. State of Kerala*, in September 2019, the Kerala High Court recognized the right to have access to the internet as a part of the right to education as well as the

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[82] Human Rights Watch and Internet Freedom Foundation phone interview with B.D., university student in Meghalaya, February 15, 2023.

[83] Human Rights Watch and Internet Freedom Foundation interviews with journalists and civil society groups in Assam, Meghalaya, and Rajasthan, July 2022 to January 2023.

[84] Human Rights Watch and Internet Freedom Foundation interview with e-governance service provider in Rajasthan, September 17, 2022.

[85] Human Rights Watch and Internet Freedom Foundation interview with Krishna Kumari, Haryana, September 30, 2022.

[86] Human Rights Watch and Internet Freedom Foundation interview in Rajasthan, September 30, 2022.

right to privacy under article 21 of the constitution.[87] In this case, challenging mobile device use restrictions in dormitories for women college students, the court recognized the autonomy of women students to use digital tools to further their right to education.

Jammu and Kashmir: India's Longest Internet Blackout

Jammu and Kashmir has experienced the most internet shutdowns in the country. Since 2012, of the 690 country-wide shutdowns in India, 418 (61 percent) have been in Jammu and Kashmir.[88] Peerzada Raouf Ahmad, an assistant professor at Jindal Global Law School in Haryana who is working with a team of faculty and students on internet shutdowns in Jammu and Kashmir, said:

> In Kashmir, internet shutdowns serve as an instrument of control that perpetuate a state of permanent undeclared emergency. Its implications go far beyond the idea of control to governance through disciplining the population. It works with the assumption that treats the entire population as suspect. Whenever there is an internet shutdown in an area of Kashmir, everyone living there becomes a suspect and a possible threat. This reduces citizens to a state of permanent precarity that jeopardizes the entire idea of democracy.[89]

The Jammu and Kashmir shutdown that began in August 2019 was unprecedented. On August 5, 2019, the Indian government imposed a complete communication blackout in the region in anticipation of unrest as the government announced that it was revoking the special status of Jammu and Kashmir, which granted constitutional autonomy and splitting the state into two separate federally-governed territories—Union Territory of Jammu and Kashmir and the Union Territory of Ladakh.[90] The authorities suspended landlines, mobile calling services, SMS services, mobile internet and fixed line internet. The government set up one landline at the deputy commissioner's office in Srinagar, and people often had to

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[87] *Faheema Shirin v. State of Kerala*, WP(C) No.19716 of 2019-L, Kerala High Court, Judgment on September 19, 2019, https://sflc.in/kerala-high-court-declares-right-access-internet-fundamental-right (accessed January 14, 2023).

[88] India Internet shutdown tracker by Software Freedom Law Center, https://internetshutdowns.in/ (accessed January 18, 2023).

[89] Human Rights Watch and Internet Freedom Foundation phone interview with Peerzada Raouf Ahmad, assistant professor, Jindal Global Law School, February 17, 2023.

[90] "Basic Freedoms at Risk in Kashmir," Human Rights Watch news release, August 6, 2019, https://www.hrw.org/news/2019/08/06/india-basic-freedoms-risk-kashmir (accessed May 26, 2023).

walk long distances, then wait for hours, simply to make that one phone call to relatives outside. The government also detained several political leaders, imposed broad restrictions on freedom of movement, banned public meetings, and deployed tens of thousands of additional troops to the region.[91]

The total blackout on fixed line internet and mobile networks lasted nearly 213 days, until March 4, 2020. The shutdown on mobile 4G internet access effectively lasted even longer, for 550 days, until February 2021. A freelance journalist based in Srinagar, who asked not to be identified, told Human Rights Watch and Internet Freedom Foundation:

> Just imagine the number of times you use the internet in a day. For entertainment, for information, for job applications, for education, to connect with your loved ones, for checking up on things, for ordering things, for travel, for ticketing, for studying—for every aspect of life. You start to realize its importance when it is taken away from you.[92]

The communications shutdown, coupled with movement restrictions, caused a complete information blackout in the region. Families were unable to check in with each other. People could not properly access medical services. Schools and colleges were closed, and without internet or telephones, education was completely disrupted. Livelihood was severely impacted. Residents did not have accurate information about the unfolding political and social developments within Kashmir and in the rest of the world. It also prevented them from sharing their trauma or voice protest. As a 28-year-old Kashmiri professional said, "It felt like the silence of the graveyard."[93]

The authorities enforced this shutdown at great cost for people to exercise their right to freedom of speech and expression. "In effect, the government has placed all of us in prison," a businessman said in August 2019. "We cannot move freely. We cannot speak freely. Isn't that prison?"[94] One woman said she had heard her mother, who lives in

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[91] Ibid.

[92] Human Rights Watch and Internet Freedom Foundation phone interview with Srinagar-based journalist, September 9, 2022.

[93] Human Rights Watch and Internet Freedom Foundation interview with Kashmiri professional, New Delhi, July 9, 2022.

[94] Human Rights Watch interview with businessman in Srinagar, Jammu and Kashmir, August 27, 2019.

another town, was unwell, but could not call her or meet her: "If you cannot call your family, meet your mother, how is that normal?"[95]

In August 2019, UN human rights experts issued a joint statement on Jammu and Kashmir urging the government to end the communications shutdown:

> The shutdown of the internet and telecommunication networks, without justification from the Government, are inconsistent with the fundamental norms of necessity and proportionality…The blackout is a form of collective punishment of the people of Jammu and Kashmir, without even a pretext of a precipitating offence.[96]

That November, the authorities restored internet access on fixed line internet in Jammu but not Kashmir. Fixed line internet was restored in Kashmir on March 4, 2020.[97]

Anuradha Bhasin, executive editor of *Kashmir Times*, said the newspaper's Srinagar edition could not be distributed on August 5, 2019, and could not be published for over two months, from August 6, 2019 to October 11, 2019. Even after that, she said, only a truncated copy of the newspaper was published because of the suspension of internet and SMS services. In her petition in the Supreme Court, challenging the internet shutdown, she stated: "By enforcing the communication shutdown, the Respondents have not restricted, but eroded, the freedom of speech of the Press and Media."[98]

On January 14, 2020, following the Supreme Court's directions in *Anuradha Bhasin v. Union of India*, the government partially restored mobile access to the internet. The authorities provided access to select "whitelisted websites" at 2G mobile internet speed, but there was a ban on social media and Virtual Private Networks (VPN).[99] The government

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95 Human Rights Watch interview with woman in Srinagar, Jammu and Kashmir, August 27, 2019.

96 "UN rights experts urge India to end communications shutdown in Kashmir," Press Release by the Office of the UN High Commissioner for Human Rights, August 22, 2019, https://www.ohchr.org/en/press-releases/2019/08/un-rights-experts-urge-india-end-communications-shutdown-kashmir?LangID=E&NewsID=24909 (accessed January 18, 2023).

97 Home Department, Government of Jammu and Kashmir, Order No. Home-17 (TSTS) of 2020, March 4, 2020, https://www.dw.com/en/india-restores-internet-access-in-kashmir-with-conditions/a-52643554 (accessed January 19, 2023).

98 *Anuradha Bhasin v. Union of India*.

99 Home Department, Government of Jammu and Kashmir, Order No. Home-03 (TSTS) of 2020, January 14, 2020, https://twitter.com/diprjk/status/1217149110219722817 (accessed January 17, 2023).

slowly expanded the list of whitelisted websites and eventually removed the ban on social media and VPNs, but continued slowing down mobile internet speed to 2G until February 5, 2021.[100]

As a result, the internet shutdown on mobile networks in Kashmir effectively continued during Covid-19 pandemic and the national lockdown, when access to information became more essential than ever before. The suspension of mobile internet services that lasted nearly 17 months hurt a large majority of the population that use internet on mobile phones rather than fixed line internet.[101]

In their 2015 Joint Declaration on Freedom of Expression and Responses to Conflict Situations, UN experts and rapporteurs declared that, even in times of conflict, "using communications 'kill switches' (i.e., shutting down entire parts of communications systems) can never be justified under human rights law."[102]

The government argued that social media and internet-based mass messaging apps have fueled rumors leading to violence in Jammu and Kashmir in the past, and that the restrictions saved lives. In September 2022, during a visit to the United States, Minister of External Affairs S. Jaishankar denounced media criticism, including of internet shutdowns. "There is a big song and dance about the internet being cut. Now, if you've reached the stage where you say an internet cut is more dangerous than the loss of human lives, then what can I say?" he said. "If you look at A [Article] 370-issue, what was a temporary provision of the Constitution was finally put to rest, this was supposed to be an act of majority. This was supposed to be majoritarian. Tell me what was happening in Kashmir was not majoritarian? I think the way facts are slanted, things are laid out, what is right, what is wrong is confused. This is actually politics at work."[103]

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[100] Mir Ehsan, "17 months on, 4G internet services restored in Jammu and Kashmir," *Hindustan Times*, February 6, 2021, hindustantimes.com/india-news/17-months-on-4g-internet-services-restored-in-jammu-and-kashmir-101612564917419.html (accessed January 23, 2023).

[101] There are 0.08 million wireline broadband subscribers while 5.82 million wireless broadband subscribers in Jammu and Kashmir out of total 5.90 million subscribers. Ministry of Communications, Government of India, Telecom Statistics India-2019, https://dot.gov.in/sites/default/files/Telecom%20Statistics%20India-2019.pdf (accessed January 23, 2023).

[102] Joint Declaration on Freedom of Expression and responses to conflict situations, May 4, 2015, Office of the UN High Commissioner for Human Rights, https://www.ohchr.org/en/statements/2015/05/joint-declaration-freedom-expression-and-responses-conflict-situations?LangID=E&NewsID=15921 (accessed January 16, 2023).

[103] "Jaishankar Criticises American Media For 'Biased' Coverage of India," Press Trust of India, September 26, 2022, https://thewire.in/media/jaishankar-criticises-american-media-for-biased-coverage-of-india (accessed March 10, 2023).

However, the government did not make any of the internet suspension orders public to determine whether they met the test of necessity and proportionality. Even when the shutdown was challenged in the Supreme Court, in *Anuradha Bhasin v. Union of India*, the government only shared eight suspension orders, refusing to allow full transparency.

The internet blockade also had a severe impact on the human rights defenders and community leaders detained by the authorities, according to a July 2022 report by the American Bar Association Center for Human Rights.[104] The report documented how family members whose relatives were arbitrarily detained spent months trying to find information about their whereabouts, and in many cases the detainees were transferred out of state and held in prisons in other parts of India. In one case, a Kashmiri activist said his family could only speak to their detained relative using a landline set up by the district administration or the local police, as neither his family nor most people in his village owned a landline. This meant discussing any sensitive information concerning their legal defense was impossible, impacting both the right to freedom of expression and the right to a fair trial and to due process.[105]

David Kaye, then UN special rapporteur on the promotion and protection of the right to freedom of opinion and expression, was one of the international experts who called on the Indian government to end the communication shutdown in Kashmir and had raised concerns over internet suspension. Following the Kashmir shutdown, he said that internet shutdowns are extremely unusual, perhaps unprecedented, in democratic countries:

> There is no question that the government has a responsibility to maintain public order and to protect the right to life and other human rights values in Kashmir. But the shutting down of internet and the current situation is really quite draconian. Shutting down all communication is a disproportionate interference with the freedom of expression of people in Kashmir. It is as also an interference with the people of India's right to information about what the government is doing and what is happening in

[104] "The Impact of Internet Shutdowns on Human Rights Defenders in India," American Bar Association Center for Human Rights, July 2022, https://www.americanbar.org/content/dam/aba/administrative/human_rights/justice-defenders/chr-shutdown-report.pdf (accessed January 23, 2023).
[105] Ibid.

> Kashmir. For a democratic country to do so is quite unusual and unprecedented. [106]

Right to Education

Children were among the most affected in Jammu and Kashmir by the shutdown. They lost nearly three years of education. First when the schools and communications were shut in August 2019. Then, by the time fixed line internet services were restored and schools began to open in 2020, there was a national shutdown due to the Covid-19 pandemic. While children in the rest of the country had some access to education online, the internet shutdown prevented children in Kashmir from online learning during the pandemic. Schools in Kashmir opened after 32 months, in March 2022.

"The impact on education has been particularly severe," the Human Rights Forum for Jammu and Kashmir noted in its July 2020 report, saying that since the lockdown to contain Covid-19, "The limiting of networks to 2G has made it impossible for online classes to function adequately. Graduate students and teachers have been unable to participate in conferences or have their papers published, causing willful harm to their careers and violating the rights to education."[107]

"We have more than 100,000 children in the grade 1 to 8 category, out of school in Jammu and Kashmir right now," G.N. Var, president of the Private School Association in Jammu and Kashmir told Human Rights Watch and Internet Freedom Foundation.[108] He said the internet shutdowns disproportionately hurt children from poorer households who could not afford fixed line internet or to send their children out of the region for education:

> We have lost an entire generation of children in Kashmir to internet shutdowns and the learning losses are so high that it is very difficult to breach this loss even for those children who have returned to school. The

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[106] Nileena M S, "Draconian, undemocratic and a human-rights violation: David Kaye, UN rights-expert, on Kashmir," *Caravan*, August 29, 2019, https://caravanmagazine.in/government/david-kaye-kashmir-draconian-undemocratic-human-rights-violation (accessed January 23, 2023).

[107] "Jammu and Kashmir: The Impact of Lockdowns on Human Rights," Forum for Human Rights in Jammu and Kashmir, July 23, 2020, https://www.newsclick.in/Jammu-Kashmir-Impact-of-Lockdowns-on-Human-Rights-Report (accessed February 10, 2023).

[108] Human Rights Watch and Internet Freedom Foundation phone interview with G. N. Var, President, Private School Association in Jammu and Kashmir, January 31, 2023.

> problem of frequent internet shutdowns persists. As a result, students are lacking in many fields. Dropout rates for the last two to three years have significantly increased, and we see serious behavioral and attitudinal issues among children, including suicidal tendencies and growing dependence on drugs. Imagine children being out of school, deprived of the internet when everywhere else, they know children are connected. It has created a general sense of sadness and depression.[109]

M.R. Farooq, general secretary of the Travel Association of Kashmir, said the internet shutdowns and throttling had affected his children. In April 2020, as part of a plea to the Supreme Court to seek restoration of 4G internet in Jammu and Kashmir, he said:

> Since we are in lockdown from August 2019, our kids have been indoors. It has affected their education very badly. One of my kids is in 10th standard [grade] and the other is in 9th standard [grade]. For the whole day, they keep using smart phones and other gadgets and they keep trying to download smart classes. But at the end of the day when they feel they aren't able to study, they feel frustrated.[110]

Social activist Raja Muzaffar Bhat also talked about his inability to download or upload online classes for his two children, who study in grades four and seven. "Doesn't the establishment [government] know they are ruining the lives of our children?"[111] Zarin, a young lawyer and an aspirant for the civil services, was unable to download reference material for entrance classes during the long internet shutdown. In an affidavit to the Supreme Court, as part of the plea to restore 4G internet in Jammu and Kashmir, she said: "Education is our basic right and do they want us to be illiterate? Every youth is suffering."[112]

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[109] Ibid.

[110] *Foundation for Media Professionals v. Union Territory of Jammu & Kashmir*, W.P.(Civil) No. 10817 of 2020, Supreme Court of India, Additional documents submitted with supporting affidavit, April 14, 2020.

[111] Ibid.

[112] *Foundation for Media Professionals v. Union Territory of Jammu & Kashmir*, Additional documents submitted with supporting affidavit, April 14, 2020.

Right to Health

The extended and broad shutdown of the internet impacted essential activities and services, including emergency services and health services.

A doctor in a government hospital in Jammu and Kashmir said the communications shutdown meant all emergency numbers were out of reach:

> You could not reach the fire station, ambulance, or police. There was complete chaos. For simple things like rosters, shifts—we could not find out whether we are on duty. Most importantly, patient care suffered as there were delays and emergency care was encumbered. We were lucky if we found a functioning landline in the hospital. And there was a such rush for that one phone.
>
> Even when the internet was restored to 2G, it was too slow. For instance, we could not do tele-consultations or live transmissions of robotic surgery procedures for study purposes. We did not have access to journals or libraries. As doctors, we have to continuously update ourselves which we could not do.[113]

In August 2019, a government doctor held a protest in Srinagar, saying that shutting the internet was preventing people, particularly the poor, from obtaining government health insurance, since it is linked to individual digital cards that need to be swiped to retrieve medical records.[114] Instead of addressing this issue, the authorities arrested him, according to media reports.[115]

The Covid-19 health crisis made the role of internet even more essential to save people's lives and bring the pandemic under control. Internet service was critical to access timely and accurate information, updates on health measures, and movement restrictions, and to

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[113] Human Rights Watch phone interview with doctor in Jammu and Kashmir, November 9, 2022.

[114] "Why did this doctor sit in protest in Kashmir?" BBC News Hindi, August 27, 2019, https://www.youtube.com/watch?v=jK3lgRAqgPk&ab_channel=BBCNewsHindi (accessed January 23, 2023).

[115] Joe Wallen, "Kashmiri doctor arrested after warning blackout could cause deaths," *Telegraph,* August 27, 2019, https://www.telegraph.co.uk/news/2019/08/27/kashmiri-doctor-arrested-warning-blackout-could-cause-deaths/ (accessed January 26, 2023).

communicate with doctors, family and friends. With only 2G internet in Kashmir, people were unable to access anything beyond text messages.

In March 2020, the UN high commissioner for human rights urged all governments to end any and all internet and telecommunication shutdowns. “Amidst the COVID-19 crisis, fact-based and relevant information on the disease and its spread and response must reach all people, without exception,” a statement said.[116] That month, leading international free speech experts said restrictions on access to the internet “cannot be justified” during the Covid-19 crisis even on “public order or national security grounds.” They called on governments as a matter of priority, to “ensure immediate access to the fastest and broadest possible internet service.”[117]

Riyaz Ahmad Daga, spokesperson for the Doctors Association of Kashmir, said disseminating safety precautions and awareness to the people living in remote areas of Jammu and Kashmir became very difficult with the mobile speed restrictions and without video. “How do we ensure that the knowledge that we have [on the virus] is disseminated to the common people? It’s impossible to upload videos at the moment, upload information on COVID 19, what precautions can people take?”[118]

Social activist Umaan Omar said lack of high-speed internet also made it impossible to verify facts regarding use of certain medicines during the pandemic, “like the various pieces of information trickling in on whether or not to use hydroxychloroquine. But 2G makes it impossible for sites to open. And that fuels rumors.”[119]

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[116] Press briefing note on Ethiopia, Spokesperson for the UN High Commissioner for Human Rights, March 27, 2020, https://www.ohchr.org/en/press-briefing-notes/2020/03/press-briefing-note-ethiopia?LangID=E&NewsID=25751 (accessed January 25, 2023).

[117] “COVID-19: Governments must promote and protect access to and free flow of information during pandemic – International experts,” March 19, 2020, OHCHR press release, https://www.ohchr.org/en/press-releases/2020/03/covid-19-governments-must-promote-and-protect-access-and-free-flow?LangID=E&NewsID=25729 (accessed January 25, 2023).

[118] *Foundation for Media Professionals v. Union Territory of Jammu & Kashmir*, Additional documents submitted with supporting affidavit, April 14, 2020.

[119] Ibid.

Economic Costs and Right to Livelihood

The internet shutdown also led to huge economic and job losses. The Kashmir Chamber of Commerce and Industry estimated that the six-month long communications shutdown cost more than $2.4 billion, and nearly 500,000 job losses.[120]

Tourism is a significant source of revenue for Kashmiris. M.R. Farooq, general secretary of the Travel Association of Kashmir, said life with slow internet "was worse than hell" and had led to severe losses in the business:

> With 2G, as a tour operator and secretary of the biggest travel association of Kashmir I've received complaints from all the stakeholders as well as my members that they are not even able to communicate to people through email. It's very difficult to send an email. It takes a long time. We have to send attachments to promote our products which they've not been able to do till now unfortunately.[121]

Internet-based businesses struggled to stay open, with many shutting shop during the 2019 shutdown, leaving thousands of people jobless. KartFood, a food delivery company, and Kashmir Box, an e-commerce platform dealing in Kashmiri goods, including handicrafts, saffron, and clothes reportedly had to close down in August 2019, after the internet was suspended.[122]

A Kashmiri woman living in London, who often bought goods from home online, said:

> A couple of years before 2019, there was a spurt of small businesses using online platforms like Instagram to sell goods. Women would make little things like crochet hats and put them on Instagram, small start-ups

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[120] "India restores internet access in Kashmir," *Deutsche Welle*, May 3, 2020, https://www.dw.com/en/india-restores-internet-access-in-kashmir-with-conditions/a-52643554 (accessed May 26, 2023).

[121] *Foundation for Media Professionals v. Union Territory of Jammu & Kashmir*, Additional documents submitted with supporting affidavit, April 14, 2020.

[122] Forum Gandhi, "The trauma of internet shutdown," *Hindu Business Line*, January 14, 2020, https://www.thehindubusinessline.com/specials/india-file/the-trauma-of-internet-shutdown/article30560717.ece (accessed January 24, 2023).

> sprouted in the online ecosystem, but the 2019 lockdown completely killed it.[123]

A 32-year-old professional based in Srinagar, who creates content online, said he lost his livelihood for about seven months, earning nothing:

> For me, an internet shutdown means I am not able to work, and I may not be able to recover when it comes back on either. The way algorithms work on social media and video channels, if you are unable to feed the internet regularly with content, you will lose out. It has hurt my work irrevocably.[124]

In November 2019, when fixed line internet services were restored in Jammu but not Kashmir, thousands of Kashmiris took a train to Banihal, a hill town about 60 miles south of Srinagar, to access the internet for essential services. Internet cafes in town were packed by young professionals and students submitting forms and applications and customers filing taxes, conducting banking transactions, and submitting official documents, from driver's licenses to tenders. The train, dubbed the "Internet Express" by local residents, became a lifeline for Kashmiris at that time. Said a journalist:

> A friend of mine owned a handicrafts business and he had to urgently send emails with invoice and receipt attachments to his client. Without that, he would not be paid for his sales. This was in November, so we got on a train in Banihal, many people traveled there every day from the city to access the internet for just five minutes of access.[125]

[123] Human Rights Watch phone interview with Kashmiri woman, November 2, 2022.

[124] Human Rights Watch and Internet Freedom Foundation phone interview with Kashmiri man, November 8, 2022.

[125] Human Rights Watch and Internet Freedom Foundation phone interview with Kashmiri journalist, September 9, 2022.

IV. Impact on Government's Social Protection Measures

The Indian government's drive to digitize administrative processes has made internet access essential for people's ability to access state programs and social protection schemes, including right to work guarantees, food subsidies, and other e-governance services. By severing this necessary internet access, internet shutdowns impact the country's most economically and socially marginalized populations, who depend on government social protection programs or schemes to protect and fulfill their rights, including the rights to social security, work, and food, among others.

"All the government schemes are now dependent on the internet, so you can no longer get access to any of it without internet; even getting food rations require biometric authentication," said Laavanya Tamang, a senior researcher at LibTech India, a nonprofit organization that works on improving public service delivery in India.[126]

N.S., from the Dalit community, is a volunteer in a *panchayat* (elected village council) in Rajsamand district in Rajasthan. He said that nearly all their work halts without access to the internet. The panchayat does not have fixed line internet and relies solely on mobile internet:

> To get paid for any work under government schemes whether it be the National Rural Employment Guarantee Scheme or Indira Aawas Yojana, you need to upload attendance or proof of work online. A lot of the payments are made through Aadhaar [biometric identity card mandatory to access government welfare schemes] authentication which requires internet. People rarely go to the bank which can be very far, but instead go to the common service center, to withdraw their earnings under government schemes. But if the net is not working, they cannot be paid. We also use WhatsApp to send key information to about 12 to 13 villages, about 4,000 people. We also use WhatsApp sometimes to ask people to maintain calm

[126] Human Rights Watch and Internet Freedom Foundation phone interview with Laavanya Tamang, November 2, 2022.

when the emotions are heightened. Shutting down the internet really harms people's daily lives.[127]

Right to Work

The Indian government's Mahatma Gandhi National Rural Employment Guarantee Act (NREGA) guarantees eligible workers 100 days of wage employment in each financial year to provide income security in rural areas. Workers earn a daily wage ranging from 204 rupees (US$2.47) to 333 rupees (US$4.02) based on which state they are in.[128] Historically, more women than men in rural areas have participated in NREGA—58 percent in the year 2022-23, most of whom come from socially and economically marginalized households, and it has been pivotal in changing their working conditions, experts say.[129] However, as the government has moved toward full digitizing the entire scheme, including attendance and wage payments, internet shutdowns basically bring the whole scheme to a halt, NREGA workers told Human Rights Watch and Internet Freedom Foundation.[130]

In May 2021, the Ministry of Rural Development launched the National Mobile Monitoring Software app, which would record the real-time, geo-tagged, photographed attendance of every worker twice a day, each morning and evening. According to the government, this was to increase transparency and improve citizen oversight over NREGA work. Local women at the village council level are selected and trained to operate the app on their smartphones. In May 2022, the national Ministry of Rural Development made it mandatory for all NREGA worksites employing more than 20 workers to use the online attendance system through the National Mobile Monitoring Software app, with no option for manual attendance, other than in exceptional circumstances.[131] From January 2023, the mandatory

[127] Human Rights Watch and Internet Freedom Foundation interview with N.S., Rajsamand, Rajasthan, September 17, 2022.

[128] State-wise wage rate for unskilled manual workers, Ministry of Rural Development, Gazette notification S.O. 1427(E), March 28, 2022, https://nrega.nic.in/netnrega/writereaddata/Circulars/2447Wage_Rate_2022.pdf (accessed February 19, 2023).

[129] Sobhana K. Nair, "Women break new ground in Mahatma Gandhi National Rural Employment Guarantee Scheme," *The Hindu*, December 31, 2022, https://www.thehindu.com/news/national/women-break-new-ground-in-mahatma-gandhi-national-rural-employment-guarantee-scheme/article66323804.ece (accessed February 16, 2023).

[130] Human Rights Watch and Internet Freedom Foundation interview with NREGA workers in Rajasthan and Haryana, September 2022.

[131] Letter from Ministry of Rural Development, Government of India to the Mahatma Gandhi National Rural Employment Guarantee Scheme Commissioners in all states, May 13, 2022, https://nrega.nic.in/netnrega/writereaddata/Circulars/2451Mandatory_attendance_through_NMMSapp.pdf (accessed February 16, 2023).

use of this app was extended to all NREGA worksites, irrespective of the number of workers they employed.[132]

During the pilot phase, Libtech India documented the challenges with the new digital system. Lack of a stable internet in most places in rural areas, and especially at remote NREGA job sites, meant workers' attendance could not be marked in real time and they risked losing wages. Additionally, since the app requires a smartphone to operate, only women with smartphones could be selected to operate the app, ruling out most women from socially and economically marginalized households. This basically failed the objective to empower local women to manage attendance and play the role of a community supervisor. Also, since there are no physical records of attendance, workers have no evidence to provide proof of their attendance if a dispute arises over owed wages.[133]

Tamang, at Libtech India, said that besides the problems with app-based attendance recording, internet shutdowns also impacted job orders and wage transfers:

> Even without the app-based attendance, NREGA is entirely dependent on Management Information System online. If the internet is shut down, NREGA cannot function. All the muster rolls—the attendance sheets for worksites—are issued electronically by government officials at block level and communicated to village councils and eventually to workers, using mobile internet. Without mobile internet, this becomes more tedious and time consuming.
>
> Mobile internet shutdown also affect wage payments. The wage lists and the fund transfer orders are generated online which require people at panchayat and block level to sign. So, what most village headmen do is that once they get the fund transfer order on their phones, they digitally sign. Panchayats do not commonly have fixed line internet to be able to do

[132] Sobhana K. Nair, "Centre makes digitally capturing MGNREGA attendance universal from January 1," *The Hindu*, December 26, 2022, https://www.thehindu.com/news/national/centre-makes-digitally-capturing-mgnrega-attendance-universal-from-january-1/article66307769.ece (accessed February 16, 2023).

[133] Chakradhar Buddha and Laavanya Tamang, "The advent of 'app-solute' chaos in NREGA," *The Hindu*, June 25, 2022, http://libtech.in/wp-content/uploads/2022/06/WhatsApp-Image-2022-06-26-at-10.09.54-PM-1.jpeg (accessed February 16, 2023).

> this. NREGA is the right to work and right to livelihood but in real terms it is being eroded because it is now harder for people to work. Internet shutdowns are the easy thing to do, but not the right thing to do.[134]

In February 2023, hundreds of NREGA workers from across the country gathered in Delhi to begin a 100-day protest against the mandatory app-based attendance recording and Aadhaar-based payments.[135]

Government officials sometimes tell NREGA workers that they cannot be paid unless the attendance is registered in the app. "When the internet was shut down in 2022 [in response to protests against a government scheme], the block officer asked us to stop work since we could not mark our attendance. They said they could not pay without online attendance," said R.C., a NREGA supervisor in Haryana.[136] "A lot of the time, our job sites are in the middle of mountains where there is no service," said 23-year-old M.C., a NREGA community supervisor in Rajasthan. "Without internet we are not able to take online attendance and upload photos."[137]

S.W., another NREGA community supervisor in Rajasthan, had a similar account:

> Yesterday, the officials came to check on the worksite, and because there was no internet service, I was unable to register attendance of 43 workers. The officials told me that "now you have to pay them from your own pocket. If you cannot mark online attendance, then do not make them work." And they took the register, in which I had physically recorded the attendance, away. When the internet was shut down in June-July 2022, they shut down all job sites.[138]

H.K., 35, a Dalit woman with five children, from Bhilwara district in Rajasthan said NREGA was her family's lifeline:

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[134] Human Rights Watch and Internet Freedom Foundation phone interview with Laavanya Tamang, November 2, 2022.

[135] Srinivas Kodali, "Why NREGA Workers Are Protesting Against an App," *Wire.in*, February 20, 2023, https://thewire.in/tech/nrega-workers-nmms-app-protest (accessed March 15, 2023).

[136] Human Rights Watch and Internet Freedom Foundation interview with R.C. in Haryana, September 30, 2022.

[137] Human Rights Watch and Internet Freedom Foundation interview with M.C. in Rajasthan, September 18, 2022.

[138] Human Rights Watch and Internet Freedom Foundation interview with S.W. in Rajasthan, September 18, 2022.

> I have been working in NREGA for two years. There is no other work. Without it, I cannot run my household. When the internet is shut down, I have no work, do not get paid, cannot withdraw any money from my account, and cannot even get food rations.[139]

P.F., a Dalit NREGA community supervisor in Rajsamand district in Rajasthan recalled how the workers were not paid for their work in July 2022 because of inability to upload online attendance. "Last month, we worked for 15 days but we only got paid for 12 days because the net did not work on three days. So, now we will have to work another three days for free to get money for that."[140]

"Just stop connecting NREGA to the internet," said N.P., a 29-year-old Dalit woman from Rajasthan. "We travel to worksites from really far away but have to go back home if the net does not work. Entire families depend on NREGA for sustenance. If they stop this, what will they do? How will we feed our children?"[141]

Access to Food Subsidy

Under the National Food Security Act, state governments issue cards to households to purchase food rations at subsidized prices under the targeted public distribution system. Under this act, every ration card holder is entitled to 5 kilograms of grain per month while those in the poorest category, have a monthly entitlement of 35 kilograms of grain per card at subsidized prices.

In 2017, as part of an effort to digitize government social protection schemes, ostensibly to increase administrative efficiency, the government made it mandatory to link these ration cards with Aadhaar—the national biometric identity card. Ration shops now require internet for Aadhaar authentication before providing food supplies.

[139] Human Rights Watch and Internet Freedom Foundation interview with H.K. in Rajasthan, September 18, 2022

[140] Human Rights Watch and Internet Freedom Foundation interview with P.F. in Rajasthan, September 18, 2022

[141] Human Rights Watch and Internet Freedom Foundation interview in Rajasthan with N.P. in Rajasthan, September 18, 2022

A village outlet in Rajasthan that provides food grains free or at subsidized rates under the food security program. All such shops must verify beneficiary identities online, which requires internet access, September 2022. © 2022 Jayshree Bajoria/Human Rights Watch

R.K. runs a public distribution shop in Rajsamand district in Rajasthan. He explained that when a customer comes, he asks for their Aadhaar or ration card number, which are authenticated by their fingerprint. “The machine uses a SIM, similar to what we insert in a mobile phone, so when there is no internet, it does not work.”[142] During a four-day internet shutdown in July 2022, R.K. said he could not supply food rations. “There were people who came to the shop during the shutdown, but I could not do anything for them. The machine wasn’t working. If everything is going digital, and then if you are shutting down the internet, that is wrong.”[143]

S.A., 45, lives in Ajmer district in Rajasthan and works as a daily wage laborer under NREGA. She recalled at least six days in 2022 when there was no internet:

[142] Human Rights Watch and Internet Freedom Foundation interview with R.K., Rajsamand district, Rajasthan, September 18, 2022.
[143] Ibid.

> I went to the ration shop every day for three days, but we could not get wheat. The rations are provided by each shop for a limited number of days every month. If you do not buy it within that period, you cannot get the rations for that month. Due to internet shutdown, I lost my ration for the whole month and had to feed my family by borrowing grain from others.[144]

Human Rights Watch and Internet Freedom Foundation spoke to several women in the villages of Rajsamand, Ajmer, and Bhim districts and they all said that they were unable to access food rations they were entitled to during internet shutdowns.[145] Kesar Singh, 75, has been running a government food distribution shop in Ajmer district in Rajasthan since 1991. He said that before online authentication began with Aadhaar, the ration shops checked the ration card, and he used cardholders' thumbprints to maintain records. He said the new system would be a boon if there was uninterrupted internet:

> This system is better because earlier people would accuse us of being corrupt. But when the internet is shut down, this system collapses. People who do not have grain at home face real difficulty when the internet is shut down. If the food supply system is connected with the internet, it is not appropriate to shut it down. I get paid according to the grain I sell to the people, so during internet shutdowns, I do not earn anything either.[146]

Collapse of E-Governance Service Providers

State governments have set up common service centers in villages, called by a different name in each state, to help people bank, pay utility bills, register for Aadhaar or other forms of government identification, and apply for and access official documents, including birth and death certificates. These centers generally function on mobile internet services, so internet shutdowns completely stall their work. These common service centers are also an important source of employment for educated local youth, who lose income when there are internet shutdowns.

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[144] Human Rights Watch and Internet Freedom Foundation interview with S.A., Ajmer district, Rajasthan, September 17, 2022.
[145] Human Rights Watch and Internet Freedom Foundation interviews in Rajasthan, September 17 and 18, 2022.
[146] Human Rights Watch and Internet Freedom Foundation interview with Kesar Singh, Ajmer district Rajasthan, September 17, 2022.

A common service center in a village in Sonipat district in Haryana, September 2022. These centers, which generally function on mobile internet, help with basic banking, paying utility bills, registering for Aadhaar, as well as applying for and accessing official documents. © 2022 Jayshree Bajoria/Human Rights Watch

"We are paid on a commission basis, so we do not earn any money when there is no internet," a common service center operator in Sonipat district in Haryana said.[147] "During the internet shutdown at the time of farmers protests in 2022, people came to withdraw money, but they could not do it. We face similar issues during other protests as well when the internet was shut down."[148]

M.B. said that the 2022 internet shutdown in response to protests over changes in military recruitment policies ironically prevented them from filing their son's application for the military. "I went to the common service center to fill my 20-year-old son's application online but could not do it because the internet was not working. My husband went twice to

[147] Human Rights Watch and Internet Freedom Foundation interview with a common service center operator, Sonipat, Haryana, September 30, 2022.
[148] Ibid.

a nearby town, nine miles away, but he too, could not do it because of internet shutdown."[149]

Chatar Singh, a volunteer for the grassroots labor rights organization Mazdoor Kisan Shakti Sangathan, which operates a common service center in Rajsamand district in Rajasthan, said: "I have a livelihood because of the internet."[150] He added:

> This is my work. It is essential to my life. I work as an *e-mitr* [the name given to service providers in Rajasthan, which means e-friend] so that I can help people. Without the internet, I am unable to provide any service, even in emergencies. Plus, during internet shutdowns, we do not know when it will be restored. Right to internet is a basic right just like the right to work and right to food. This is true for many people including daily wage workers. The government also sees it as such because it pushes for Digital India. If you make everything dependent on the internet, it is also an enabling right. So, when they shut down the internet, not only do they take away my right to internet, but also my other rights such as the right to food and the right to livelihood. If the authorities must restrict internet access due to law-and-order problems, then they should do it in a limited way like only restricting social media, not the essential services.[151]

Impact on Gig Workers

India has a booming gig economy and a June 2022 government study estimated that it employed 7.7 million workers and predicted that the workforce would increase to 23.5 million by 2030.[152] This includes app-based services such as Uber and Ola taxi services, or food delivery riders such as Zomato and Swiggy. These jobs are completely dependent on workers' access to internet on their smartphones. Most workers in the digital platform economy do not have fixed wages or benefits. Instead, their livelihoods depend on their ability to monitor ride or delivery requests offered to them through the apps, and how

[149] Human Rights Watch and Internet Freedom Foundation interview with M.B., Rajasthan, September 17, 2022.

[150] Human Rights Watch and Internet Freedom Foundation interview with Chatar Singh, Rajasthan, September 18, 2022.

[151] Ibid.

[152] "India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work," Policy brief by Niti Aayog, Government of India, June 2022, https://www.niti.gov.in/sites/default/files/2022-06/Policy_Brief_India%27s_Booming_Gig_and_Platform_Economy_27062022.pdf (accessed February 16, 2023).

quickly they can claim these requests. This requires reliable access to the internet on their smartphones. Internet shutdowns effectively render them jobless for the period the internet is suspended, impacting their livelihoods. “We need the internet to work,” said a 26-year-old food delivery rider in Meghalaya state. Meghalaya shut down the internet for four days in November 2022. “For all those days, I had to sit at home. I am a daily wage worker and if I don’t bring in wages, we won’t have enough food to eat.”[153]

Another food delivery rider in Shillong, Meghalaya, said that increasing instances of internet shutdowns have caused him to deplete vital financial savings and contemplate other work. “We have to dip into savings during internet shutdowns because we do not have work,” he said. “People who have families and children are even more affected. We do not have a union so there is no one to speak about our problems or negotiate for us.”[154]

An operations manager at a food delivery digital platform in Jharkhand said that if the internet is shut down, the workers do not get paid because they earn based on orders they deliver. “It is a big deal for the company as well as for the workers. The company also loses revenue. It disturbs the entire operation,” he said.[155]

L.C., 52, a driver for app-based taxi services in Rajasthan said sudden internet shutdowns can also affect their earnings mid-work. “Once the internet was shut down while I was in the middle of a long inter-city trip. Because of the shutdown, the payment did not appear in full and I had to bear the loss.” He added: “We also use internet for all digital payments. We don’t carry cash, so even for a cup of tea, I pay digitally to the streetside vendor. How do we even pay for diesel [gas]?”[156]

Cost to Economy

The internet has become critical for a range of economic activities in day-to-day life. Big and small businesses alike depend on the internet for their survival. Following the BJP government’s November 2016 demonetization policy, which removed 500 and 1,000 rupee bank notes as legal tender, and the Covid-19 pandemic, which began in early 2020,

[153] Human Rights Watch and Internet Freedom Foundation phone interview with a gig worker, December 20, 2022.

[154] Human Rights Watch and Internet Freedom Foundation phone interview with a gig worker, December 20, 2022.

[155] Human Rights Watch and Internet Freedom Foundation phone interview with a manager at a food delivery digital platform, September 5, 2022.

[156] Human Rights Watch and Internet Freedom Foundation phone interview with L.C., September 5, 2022.

increasing numbers of businesses have adopted digital payment systems, even small corner stores and businesses in the informal economy, like street vendors.

Suspending internet access therefore has enormous impacts on the entire economy. According to Top10VPN.com, which monitors internet outages and social media shutdowns globally, internet shutdowns in 2022 cost the Indian economy US$184 million and affected nearly 121 million users.[157] This number was significantly higher for 2021 at $583 million with 59 million users affected.[158] In 2020, internet outages cost the economy an estimated $2.8 billion, and affected 10 million internet users.[159]

In May 2020, the Udaipur Chamber of Commerce and Industry and the Hotel Association of Udaipur city petitioned the Rajasthan High Court, arguing that internet shutdowns in the city had caused immense losses to businesses, violated the rights of millions of people, and violated the Supreme Court directions in the January 2020 *Anuradha Bhasin v. Union of India*. Narendra Singh, chief economic officer at the Udaipur Chamber of Commerce and Industry, said that four days of mobile internet suspension starting on June 28, 2022 in Udaipur had cost businesses $48 million:

> Internet shutdowns affect every industry in a major way, especially in a place like Udaipur, which is dependent on tourism and exports. It is a major financial loss for businesses. Everything is digital in the travel industry, from making bookings, to arranging transportation for guests, all payments are digital. Those things cannot wait for another day. For instance, if a guest is checking out today, they have to check out today. And they have to be able to make payments to do it.[160]

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[157] Samuel Woodhams and Simon Migliano, "Government Internet Shutdowns Cost Almost $24 Billion in 2022," Top10VPN.com's Global Cost of Internet Shutdowns Report 2022, *Top10VPN.com*, January 3, 2023, https://www.top10vpn.com/research/cost-of-internet-shutdowns/ (accessed February 5, 2023).

[158] Samuel Woodhams and Simon Migliano, "Government Internet Shutdowns Cost $5.6 Billion in 2021," Top10VPN.com's Global Cost of Internet Shutdowns Report 2021, *Top10VPN.com*, January 4, 2022, https://www.top10vpn.com/research/cost-of-internet-shutdowns/2021/ (accessed February 5, 2023).

[159] Samuel Woodhams and Simon Migliano, Government Internet Shutdowns Cost Over $4 Billion in 2020," Top10VPN.com's Global Cost of Internet Shutdowns Report 2020, *Top10VPN.com*, January 4, 2021, https://www.top10vpn.com/research/cost-of-internet-shutdowns/2020/ (accessed February 5, 2023).

[160] Human Rights Watch and Internet Freedom Foundation phone interview with Narendra Singh, Chief Economic Officer, Udaipur Chamber of Commerce, July 20, 2022.

According to a 2016 report prepared by Deloitte for Facebook, "[t]he impacts of a temporary shutdown of the internet grow larger as a country develops and as a more mature online ecosystem emerges."[161] The report estimated that for the "average highly-connected country, the per-day impact of a complete internet shutdown would amount to US$23.6 million per 10 million people. For the average country with medium and low levels of connectivity, the estimated GDP impact amounts to US$6.6 million and US$0.6 million per 10 million people, respectively.[162] According to the Indian Council for Research on International Economic Relations, internet shutdowns in India are estimated to have cost the country over $3 billion between 2012 and 2017.[163]

[161] "The Economic Impact of Disruptions to Internet Connectivity," Report by Deloitte for Facebook, a member of the Global Network Initiative, 2016, https://globalnetworkinitiative.org/%E2%80%8Bnew-report-reveals-the-economic-costs-of-internet-shutdowns/ (accessed February 5, 2023).

[162] Ibid.

[163] "The Anatomy of an Internet Blackout: Measuring the Economic Impact of Internet Shutdowns in India," Report by Indian Council for Research on International Economic Relations, April 2018, https://icrier.org/pdf/Anatomy_of_an_Internet_Blackout.pdf (accessed February 5, 2023).

V. Arbitrary Internet Shutdowns

In January 2020, in the landmark judgment *Anuradha Bhasin v. Union of India* and *Ghulam Nabi Azad v. Union of India*, the Supreme Court laid down procedural safeguards to regulate internet shutdowns and directed the executive to:

- Publish all internet suspension orders to ensure that they are amenable to judicial review.
- Ensure that the orders are lawful, necessary, proportionate, and limited in scope.
- Ensure internet shutdowns are "temporary" and not indefinite, and that the review committee constituted under the Suspension Rules should oversee the orders every seven working days.

However, Human Rights Watch and Internet Freedom Foundation found that governments in several states across India continue to flout these procedural safeguards.

There is little evidence to show that internet shutdowns have been effective in maintaining law and order. In 2021, when the Parliamentary Standing Committee on Communications and Information Technology asked the Ministry of Home Affairs to present evidence that "Internet shutdown leads to better law and order outcomes with reduced risk of violence or hate speech," the government was unable to do so. The authorities also told the committee that they had not yet conducted an official assessment on whether internet shutdowns were meeting their objectives.[164]

In its February 2023 report on the action it had taken on the standing committee's recommendations, the government said that the internet's contribution "for the well-being of citizens has to be balanced with social media platforms being misused by anti-social elements requiring temporary shutdowns" based on the assessment by local authorities. The Parliamentary Standing Committee reiterated that frequent internet shutdowns without any empirical study to prove their effectiveness in controlling law and order, or civic unrest was a matter of great concern:

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[164] "Suspension of Telecom Services/Internet and its Impact," Twenty-sixth report of the Standing Committee on Communications and Information Technology 2021-22, 17th Lok Sabha, December 2021, https://eparlib.nic.in/bitstream/123456789/820699/1/17_Communications_and_Information_Technology_26.pdf (accessed January 4, 2023).

> The Committee are perplexed with the reply of the Department and deplore the indifferent attitude of the Department to such an important aspect of the subject. The Committee, therefore, strongly urge the Department that a thorough study be commissioned by the Government of India so as to assess the impact of internet shutdown on the economy and also find out its effectiveness in dealing with public emergency and public safety.[165]

"I have not seen any studies that show that shutting down internet actually helps in controlling law and order or shutting down terrorism," said Karti P. Chidambaram, an opposition member of parliament, and member of the Parliamentary Standing Committee that authored the report.[166] Chidambaram believed that internet shutdowns in response to law and order challenges were a carryover from a "colonial policing" mindset. "Our immediate reaction is to impose a curfew, shut down, keep people at home," he said. "It is a very crude policing tactic and they have simply taken that and applied it to the internet too."[167]

While there can be legitimate concerns around the impact of social media on public safety—for example inflammatory material and false rumors can easily spread through the internet—restricting access would prevent those exposed to such rumors from checking or determining facts independently, according to many activists and journalists to whom Human Rights Watch and Internet Freedom Foundation spoke.

Prasanth Sugathan, a lawyer at Software Freedom Law Center, which also runs an internet shutdown tracker in India, said that the shutdowns are a lazy law enforcement option:

> It is an easy thing for the authorities to do. It is more of a kneejerk reaction and also allows the authorities to give the perception that they have done

[165] "Action Taken by the Government on the Observations/Recommendations of the Committee contained in their Twenty-sixth Report (Seventeenth Lok Sabha) on 'Suspension of Telecom Services/Internet and its impact,'" Thirty-seventh report, Standing Committee on Communications and Information Technology (2022-23), Ministry of Communications, Government of India, February 2023, https://loksabhadocs.nic.in/lsscommittee/Communications%20and%20Information%20Technology/17_Communications_and_Information_Technology_37.pdf (accessed March 14, 2023).

[166] Human Rights Watch and Internet Freedom Foundation phone interview with Karti P. Chidambaram, member of parliament and member of the Parliamentary Standing Committee on Communications and Information Technology, September 24, 2022.

[167] Ibid.

> something to improve the situation. Whether it actually helps, there is no way to say. Most people buy that argument when it comes to law-and-order situation.[168]

Jan Rydzak, a researcher on technology and human rights, examined internet shutdowns in India and found that "social media and digital platforms are not critical to collective action, as mass mobilization can occur even in their absence."[169] However, shutting down these methods of coordination "can turn a predictable situation into one that is highly volatile, violent, and chaotic," he concluded. "Network shutdowns in India are clearly not uniformly effective, but remain prohibitively costly when maintained."[170]

In February 2022, the Internet Freedom Foundation filed Right to Information requests with all 28 state governments seeking information on the frequency they had suspended internet services since January 10, 2020, when the Supreme Court ruling in *Anuradha Bhasin* came into effect.[171] The aim was to examine the extent to which state governments were complying with the Supreme Court's directions. Out of 28 states, only 15 states—Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Goa, Gujarat, Himachal Pradesh, Kerala, Maharashtra, Mizoram, Nagaland, Punjab, Rajasthan, Sikkim and Tripura—provided some information in response to the Right to Information requests, and in some

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[168] Human Rights Watch and Internet Freedom Foundation phone interview with Prasanth Sugathan, lawyer, Software Freedom Law Center, July 21, 2022.

[169] Jan Rydzak, "Of Blackouts and Bandhs: The Strategy and Structure of Disconnected Protest in India," February 7, 2019, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3330413 (accessed February 10, 2023).

[170] Ibid.

[171] The Right to Information applications sought the following information:

- How many orders suspending telecom services have been issued by your state under Rule 2(1) of the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017 since January 10, 2020?
- How many orders suspending telecom services have been issued by your state under Section 5(2) of the Indian Telegraph Act, 1885 since January 10, 2020?
- How many orders suspending telecom services have been issued by officials in your state under Section 144 of the Code of Criminal Procedure, 1973 since 10.01.2020?
- Since 10.01.2020, how many orders suspending telecom services have been issued in your state by any officer other than the State Home Secretary?
- Please provide copies of all the orders suspending telecom services issued by your state since 10.01.2020.
- Please provide information regarding whether the orders suspending telecom services are made publicly available by your state. Please provide information regarding where such orders are publicly available, including the website link, if any.
- Please provide information regarding whether your state has constituted a Review Committee under Rule 2(5) of the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017.
- Please provide copies of all the findings of the Review Committee issued under Rule 2(6) of the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017 since 10.01.2020

cases, supplied copies of orders issued under Telecom Suspension Rules. Their responses are available in the appendix.[172]

Five states—Chhattisgarh, Gujarat, Madhya Pradesh, Telangana and Uttarakhand—would not provide any information, claiming an exemption under section 24(4) of the Right to Information Act, 2005.[173] However, the provision allows exemption only for "intelligence and security organizations" established by state governments. Internet suspension orders do not relate to those functions of the Home Department and, in view of the ruling in *Anuradha Bhasin,* should be published in any case. Also, section 24(4) permits the disclosure of information pertaining to allegations of human rights violations. Since the unlawful suspension of internet services demonstrably violates human rights, this exemption would not apply.

Failure to Publish Internet Suspension Orders

Of 28 states, 18 had shut down the internet at least once after the *Anuradha Bhasin* judgment between January 10, 2020, and December 31, 2022, based on responses to the Right to Information requests and reporting from independent sources.[174]

And at least 11 of those states—Rajasthan, Uttar Pradesh, West Bengal, Maharashtra, Jharkhand, Manipur, Andhra Pradesh, Chhattisgarh, Madhya Pradesh, Odisha, and Telangana—continued to shut down the internet without publishing suspension orders as directed by the Supreme Court. It was unclear whether Arunachal Pradesh published the suspension orders for its eight shutdowns during these three years.

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[172] The 18 states are Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Haryana, Jharkhand, Maharashtra, Madhya Pradesh, Manipur, Meghalaya, Nagaland, Odisha, Punjab, Rajasthan, Telangana, Uttar Pradesh, and West Bengal. See Appendix: List of Internet Shutdowns in India (From January 10, 2020, to December 31, 2022).

[173] Right to Information Act, No. 22 of 2005, https://rti.gov.in/RTI%20Act,%202005%20(Amended)-English%20Version.pdf (accessed February 10, 2023).

[174] One state, Bihar, in response to June 2022 protests against a central government scheme meant for recruitment in the Indian armed forces, unlawfully used section 5(2) of the Telegraph Act and Telecom Suspension Rules meant for Internet shutdowns. Bihar did not shut down the Internet but blocked 22 websites and mass social messaging platforms, therefore, using these powers for a purpose other than what they are meant for. See "Internet services will remain temporarily suspended in Kaimer, Bhojpur, Aurangabad, Rohtas, Buxer, Nawada, West Champaran, Samastipur, Lakhisarai, Begusarai, Vaishali and Saran districts from today till 19th June: Bihar govt," Tweet by @ANI, *Twitter.com*, June 17, 2022, https://twitter.com/ANI/status/1537793854916546561 (accessed January 19, 2023)

Failure of Necessity and Proportionality Test

Between January 10, 2020, and December 31, 2022, Human Rights Watch and Internet Freedom Foundation identified a total of 127 shutdowns in India, excluding Jammu and Kashmir. Out of these, 54 were to prevent or in response to protests, 37 to prevent cheating on school examinations or exams for government jobs, 18 were in response to communal violence, and 18 were for other law and order concerns.

Rajasthan shut down the internet more than any other state during this period—at least 85 times according to the replies in response to the Right to Information requests and reporting from independent sources. However, divisional administrations of Kota, Bharatpur, Ajmer, and Bikaner did not provide any data, so therefore the actual number may be higher.

Arunachal Pradesh shut down the internet eight times, out of which five were to prevent cheating in examinations. For two shutdowns, the state government offered no information at all on the circumstances, merely stating law and order or public safety needs. And one was imposed after a protest was called by a group demanding the chief minister's resignation.

West Bengal shut down the internet six times during this period, out of which three were to prevent cheating in examinations. One shutdown was imposed after a communal conflict while two were to prevent the spread of rumors.

An analysis of Haryana's suspension order between September 7 to 9, 2021 in four districts during protests by farmers further illustrates how these shutdowns fail the necessity and proportionality test. The order came after protesters decided to organize a big meeting of farmers from several villages. The government did not publish the shutdown order despite Supreme Court directives although it was available on the Twitter account of a media organization. The order said the suspension was necessary to prevent "disruption of public utilities and safety, damage to public assets & amenities" and linked it to the

ability of the internet to "spread inflammatory material and false rumors," but failed to explain the threat.[175]

In 2021, the Parliamentary Standing Committee, in its report examining the impact of shutdowns, concluded that "the principle of proportionality and procedure for lifting the shutdown are vague and lack clarity." It said:

> Internet shutdown cannot be a substitute for enforcing law and order. Recourse to internet shutdown should ideally be avoided and be taken sparingly only when it is absolutely necessary and expedient and that too only for a limited period of time which need to be clearly defined.[176]

Unlawful Shutdowns in Rajasthan

In Rajasthan, the power to suspend internet services has been delegated to divisional commissioners, violating the Telecom Suspension Rules that require that only a union or state home secretary can issue the suspension orders, except in an emergency, where a joint secretary-level officer, duly authorized, can issue suspension orders subject to confirmation from the respective competent authority within 24 hours. But divisional commissioners often issue orders for 24 hours and then keep extending the shutdown by another 24 hours, effectively making the confirmation from competent authority redundant.[177]

On September 28, 2018, the central government's Department of Telecommunications asked the Rajasthan government to reconsider its decision to delegate these powers to

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[175] "As the farmers' protests saw widespread internet shutdowns, IFF wrote to the Haryana Home Ministry urging restraint," Internet Freedom Foundation, September 10, 2021, https://internetfreedom.in/as-the-farmers-protests-see-widespread-internet-shutdowns-iff-writes-to-the-haryana-home-ministry-urging-restraint/ (accessed February 17, 2023).

[176] "Suspension of Telecom Services/Internet and its Impact," Twenty-sixth report of the Standing Committee on Communications and Information Technology 2021-22, 17th Lok Sabha, December 2021, https://eparlib.nic.in/bitstream/123456789/820699/1/17_Communications_and_Information_Technology_26.pdf (accessed January 4, 2023).

[177] "[Revealed] Jaipur Internet Shutdown Orders: Cut, Copy, Paste" *Internet Freedom Foundation,* September 2021, https://internetfreedom.in/revealed-jaipur-internet-shutdown-orders-cut-copy-paste-keep-it-on/ (accessed February 15, 2022).

divisional commissioners.[178] Authorizing divisional commissioners has led to frequent shutdowns that rarely if ever meet the necessity or proportionality standard. There have been several instances when divisional commissioners have imposed internet shutdowns to prevent cheating in examinations or to prevent protests or criticism against the government.

An analysis of 85 shutdown orders from Rajasthan revealed that a majority 44 were to prevent protests or in response to them, at least 28 were to prevent cheating in examinations, 9 to prevent communal violence or in response to it, and 4 to address other law and order concerns.

Internet Freedom Foundation analyzed 26 internet suspension orders issued by the Udaipur divisional commissioner and 30 suspension orders issued by the Jaipur divisional commissioner between January 10, 2020, and September 25, 2021, and found that the authorities issued shutdowns frequently, followed a copy-paste template, and failed to ensure they were lawful, necessary, and proportionate.[179]

The Udaipur authorities ordered 18 of the 26 shutdowns between September 24-28, 2020, when members of an Adivasi (tribal) community decided to hold an indefinite protest by blocking a national highway over discrimination in recruitment of teachers in government schools.[180]

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[178] "Rajasthan internet shutdown orders continue to be issued by unauthorized officials," Internet Freedom Foundation, December 19, 2019, https://internetfreedom.in/rajasthan-internet-shutdown-orders-continue-to-be-passed-by-unauthorized-officials/ (accessed February 10, 2023).

[179] "[Revealed] Udaipur Internet Shutdown Orders: Cut, Copy, Paste!," Internet Freedom Foundation, November 1, 2021, https://internetfreedom.in/revealed-udaipur-internet-shutdown-orders-cut-copy-paste/ (accessed May 26, 2023); "[Revealed] Jaipur Internet Shutdown Orders: Cut, Copy, Paste!," Internet Freedom Foundation, https://internetfreedom.in/revealed-jaipur-internet-shutdown-orders-cut-copy-paste-keep-it-on/ (accessed May 26, 2023).

[180] The protests first began in July 2018 to demand Adivasi recruitment for teacher posts in government schools in the Adivasi-majority areas of the state, after the state government decided to restrict their recruitment under the general category. According to media reports, the Internet suspension was accompanied by a violent crackdown by the Rajasthan police, in which two Adivasi protesters were shot and killed and over 205 Adivasis were arrested. The police also registered over twenty cases against more than 6,000 Adivasis, many of whom reportedly were not even present during the protests. All the districts where the Internet was suspended are Scheduled Areas under the Fifth Schedule of the Constitution of India, where Adivasi communities are in the majority. See Manish Meena, "Rajasthan government's violent crackdown on protests an attempt to silence Adivasi assertion," *Caravan magazine*, December 30, 2020, https://caravanmagazine.in/communities/rajasthan-governments-violent-crackdown-on-protests-an-attempt-to-silence-adivasi-assertion (accessed May 26, 2023); "Teachers' exam protests in Rajasthan: Two dead in firing, says police; protesters clear highway after meeting govt officials," *FirstPost.com*, September 27, 2020, https://www.firstpost.com/india/teachers-exam-protests-in-rajasthan-two-dead-in-firing-says-police-protesters-clear-highway-after-meeting-govt-officials-8857631.html (accessed February 16, 2023).

Similarly, in Jaipur, of the 30 internet shutdown orders, 25 were issued between October 30 to November 9, 2020, during protests demanding caste-based quotas in jobs and education.[181]

Review Committees a Rubber Stamp

Review committees are currently the only safeguard to prevent authorities' misuse of their power to suspend internet services. Consisting of high-level government officials, these committees are required to record their findings on whether internet suspension orders are lawful, necessary, and proportionate. However, orders examined by Human Rights Watch and Internet Freedom Foundation show that the committees largely acquiesce to internet shutdowns by the government.

Out of 28 states, 12 have established review committees. Kerala, which has never suspended internet access, said it has not constituted a committee, while 15 states did not provide any information in response to Right to Information requests. States do not make review committee findings public and rarely ever provide them in response to Right to Information requests. Mahesh Uppal, founder and director of ComFirst, specializing in telecom and internet policy and regulation said:

> There is little transparency when it comes to review committees. If you put government officials on the committee and tell them they are dealing with sensitive matters, it makes them anxious about transparency. The rules too, do not seem to require we should know about the workings of these committees.[182]

In Rajasthan, where many of the shutdowns clearly failed the proportionality test, the review committee does not even meet or record findings. The state government said that

[181] "Gujjar protesters vacate rail tracks in Rajasthan," *The Hindu*, November 13, 2020, https://www.thehindu.com/news/national/other-states/gujjar-protesters-vacate-rail-tracks-in-rajasthan/article33088134.ece (accessed February 17, 2023).

[182] Human Rights Watch and Internet Freedom Foundation phone interview with Mahesh Uppal, Founder and Director, ComFirst, September 7, 2022.

internet suspension orders are circulated to the responsible officers who merely provide their approval.[183]

West Bengal shared the findings of its review committee with the Calcutta High Court during the hearing in *Ashlesh Biradar v. State of West Bengal,* a case challenging the legality of the shutdown order on March 7, 2022, to prevent cheating in exams. The review committee had upheld the order, saying it had a legitimate goal and was suited to achieve it.[184] But the High Court stayed the order, saying that it did not meet the proportionality test and was not passed by a competent authority provided under the legal provisions.[185]

Meghalaya's review committee upheld the legality of all three shutdowns ordered since the *Anuradha Bhasin* judgment, until January 2023.[186] However, the committee did not record any explanation for how it arrived at its conclusion, merely stating that it has examined the shutdown orders and various letters from governmental departments requesting suspension of internet services.[187]

The review committee in Arunachal Pradesh, in response to the shutdown on January 12, 2022, found that it was imposed in the interest of public safety and to maintain public order because the police anticipated law and order problems during the protest. The authorities had ordered the shutdown in response to a protest called by All Nyishi Youth Association demanding the chief minister's resignation.

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[183] "Revealed: Rajasthan's Review Committee does not meet or review internet suspension orders. #KeepItOn," Internet Freedom Foundation, March 8, 2022, https://internetfreedom.in/revealed-rajasthans-review-committee-does-not-meet-or-review-internet-suspension-orders-keepiton/ (accessed February 17, 2023).

[184] Government of West Bengal, Review Committee minutes, March 3, 2022, https://drive.google.com/file/d/1arJpUZL8JzcFNhh_nJeLvWTOzTylyelq/view?usp=sharing (accessed February 15, 2023).

[185] *Ashlesh Biradar v. TheState of West Bengal*, March 10, 2022, WPA (P) 104 of 2022, Calcutta High Court, Interim Order March 10, 2022, https://www.livelaw.in/pdf_upload/ashlesh-biradar-v-state-of-west-bengal-411823.pdf (accessed January 15, 2023).

[186] Minutes of Meeting of Review Committee dated March 2, 2020, March 5, 2020, and August 20, 2021, on file with Human Rights Watch and Internet Freedom Foundation, https://drive.google.com/file/d/1rPKi33ARgMpMRBWJBbftHQ1yR3nNwz3h/view?usp=sharing (accessed February 10, 2023)

[187] Ibid.

VI. India's Obligations Under International Law

Internet shutdowns undermine a number of human rights, most immediately the rights to freedom of expression and access to information.[188] Access to the internet is increasingly recognized as an indispensable enabler of a broad range of human rights guaranteed in the International Covenant on Civil and Political Rights (ICCPR) and other human rights instruments to which India is a party.

Article 19(2) of the ICCPR, echoing article 19 of the Universal Declaration of Human Rights, protects everyone's right to freedom of expression, including the freedom to seek, receive and impart information of all kinds, regardless of frontiers.[189] States have the obligation to respect and ensure the right to freedom of expression without distinction of any kind.

Under ICCPR article 19(3), restrictions on the right to freedom of expression are only permissible when they are provided by law and are a necessary and proportionate response to a specified national security or other threat. The restriction must also be the least intrusive option available and must not impair the essence of the right. Restrictions must not be discriminatory and the onus to show that restrictions comply with these conditions is on the State seeking to restrict rights.[190]

The Indian authorities invoke specific laws, such as the Telegraph Act and the Telecom Suspension Rules, to order internet shutdowns. However, these laws are vague or overly broad, and fail to meet the requirements of article 19(3). Given their indiscriminate and

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[188] UN Human Rights Council, "Internet shutdowns: trends, causes, legal implications and impacts on a range of human rights," Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/50/55, May 2022, https://www.ohchr.org/en/documents/thematic-reports/ahrc5055-internet-shutdowns-trends-causes-legal-implications-and-impacts (accessed January 4, 2023).

[189] International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, art. 19 (2), https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights (accessed May 26, 2023) India ratified the ICCPR in 1993; Universal Declaration of Human Rights, adopted December 10, 1948, G.A. Res. 217A (III), 3 UN GAOR, UN Doc. A/810, p. 71 (1948), art. 19, https://www.un.org/en/about-us/universal-declaration-of-human-rights (accessed January 12, 2023).

[190] UN Human Rights Committee (HRC), *General comment no. 34, Article 19, Freedoms of opinion and expression*, September 12, 2011, CCPR/C/GC/34, para. 34, available at: https://www.refworld.org/docid/4ed34b562.html (accessed 16 May 2023).

widespread impacts, internet shutdowns also very rarely meet the proportionality requirement.

Any form of internet shutdown impairs countless legitimate and beneficial activities and has a negative impact on the enjoyment of economic, social and cultural rights. Under article 4 of the International Covenant on Economic, Social and Cultural Rights, any limitations to the enjoyment of those rights are permissible only as far as they are "compatible with the nature of those rights and solely for the purpose of promoting the general welfare in a democratic society."[191]

UN Secretary-General Antonio Guterres, in his August 2021 report "Our Common Agenda," noted that it might be time to reinforce universal access to the internet by 2030 as a human right.[192] He added that the United Nations would work with governments, business and civil society to find alternatives to disruptive blanket internet shutdowns.[193]

Over the years, independent UN human rights experts and bodies have repeatedly denounced shutdowns. A UN Human Rights Council resolution in 2016 unequivocally condemned internet shutdowns and called upon all states to refrain from and cease such measures.[194] In the 2020 Roadmap for Digital Cooperation, the UN secretary-general stressed that "blanket Internet shutdowns and generic blocking and filtering of services are considered by UN human rights mechanisms to be in violation of international human rights law."[195]

The UN high commissioner for human rights has repeatedly expressed concerns about internet shutdowns and has urged governments to avoid implementing such measures, in

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[191] International Covenant on Economic, Social and Cultural Rights, adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, art. 4, https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights (accessed January 12, 2023).

[192] "Our Common Agenda," Report of the UN Secretary-General, UN General Assembly 75th session, August 5, 2021, UN doc. A/75/982, para. 35, https://digitallibrary.un.org/record/3939258?ln=en (accessed January 12, 2023).

[193] Ibid.

[194] Human Rights Council resolutions on the promotion, protection and enjoyment of human rights on the Internet, 32/13, 38th session, July 18, 2015, UN Doc A/HRC/RES/32/13, https://digitallibrary.un.org/record/845727?ln=en (accessed January 12, 2023). Also see HRC resolutions 38/7, 47/16, and 44/12.

[195] "Road map for digital cooperation: implementation of the recommendations of the High-level Panel on Digital Cooperation, Report of the UN Secretary-General, UN General Assembly 74th session, May 29, 2020, A/74/821, para. 41, https://thefuturesociety.org/wp-content/uploads/2020/06/UN-Digital-Roadmap.pdf (accessed January 12, 2023).

particular in response to public assemblies.[196] The UN Human Rights Committee has taken a very critical stance on shutdowns; in its general comment No. 34 on the right to freedom of expression, the committee indicated that permissible restrictions generally should be content-specific; generic bans on the operation of certain sites and systems are not compatible with ICCPR article 19(3). It also emphasized that states parties to the ICCPR are prohibited from blocking or hindering internet connectivity in relation to peaceful assemblies.[197] Various UN special procedure mandate holders have also urged states to refrain from internet shutdowns, emphasizing their incompatibility with international human rights law.[198]

Other Relevant International Frameworks

Regional human rights bodies have also emphasized that internet shutdowns infringe upon human rights norms. The African Commission on Human and Peoples' Rights has called upon states not to engage in or condone any disruption of access to the internet or other digital technologies for segments of the public or an entire population.[199] The Economic Community of West African States (ECOWAS) Community Court ruled that shutting down internet access is a violation of the right to freedom of expression.[200] The Council of Europe called on states to recognize "in law and in practice that disconnecting individuals from the internet, as a general rule, represents a disproportionate restriction of the right to freedom of expression," as provided for in the European Convention on Human Rights.[201] The European Court of Human Rights has held that anticipatory shutdowns

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[196] "Impact of new technologies on the promotion and protection of human rights in the context of assemblies, including peaceful protests," Report of the United Nations High Commissioner for Human Rights, Human Rights Council, 44th session, UN doc A/HRC/44/24, June 24, 2020, https://www.ohchr.org/en/documents/thematic-reports/ahrc4424-impact-new-technologies-promotion-and-protection-human-rights (accessed January 12, 2023).

[197] Ibid.

[198] The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association stated that shutdowns are in clear violation of international law and cannot be justified in any circumstances (A/HRC/41/41, para. 52). Three holders of the mandate of Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression have declared that shutdowns could not be justified under ICCPR article 19(3). See A/HRC/17/27, para. 78; A/HRC/35/22, paras. 14–15; and A/HRC/47/25, para. 51. See e.g., www.osce.org/files/f/documents/a/0/154846.pdf (accessed May 26, 2023).

[199] African Commission on Human and Peoples' Rights, Declaration of principles on freedom of expression and access to information in Africa, adopted on November 10, 2019, https://achpr.au.int/en/node/902. See also Resolution ACHPR/Res.362 (LIX) 2016 on the Right to Freedom of Information and Expression on the Internet in Africa, adopted during the 59th Ordinary Session, held from 21 October to 04 November 2016.

[200] Economic Community of West African States (ECOWAS) Community Court, Jud No. ECW/CCJ/JUD/09/20.

[201] Recommendation CM/Rec(2016)5[1] of the Committee of Ministers to member States on Internet freedom.

amount to prior restraint and require a legal framework ensuring tight control over the scope of the ban and to prevent abuse.[202]

The UN Sustainable Development Goal 9 of the 2030 Agenda for Sustainable Development also includes a commitment to significantly increase access to information and communications technology and to strive to provide universal and affordable access to the internet in least developed countries by 2020.[203]

In April 2022, 67 countries—not including India—signed "A Declaration for the Future of the Internet" to keep the internet "open, free, global, interoperable, reliable, and secure."[204] The declaration includes a commitment to "protect human rights and fundamental freedoms of all people and promote a global internet that advances the free flow of information."[205] At the launch, the US government expressed concern that, "Globally, we are witnessing a trend of rising digital authoritarianism where some states act to repress freedom of expression, censor independent news sites, interfere with elections, promote disinformation, and deny their citizens other human rights."[206]

On March 29, 2023, at the US Summit for Democracy, a global declaration was released that India endorsed.[207] However, of the 74 countries that have endorsed the declaration, India alone adopted a reservation on a paragraph dedicated to promoting access to the internet and, among other things, to "prevent[ing] government-imposed Internet disruptions and restrictions online that violate international human rights obligations."[208]

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[202] *Ahmet Yildirim v. Turkey*, Application No. 3111/10, European Court of Human Rights, Second Section, December 18, 2012, https://hudoc.echr.coe.int/eng?i=001-115705, para 47, (accessed May 5, 2023).

[203] Sustainable Development Goals, Target 9.c on Universal access to information and communications technology, https://sdg-tracker.org/infrastructure-industrialization#:~:text=Target%209.,least%20developed%20countries%20by%202020 (accessed January 12, 2023).

[204] A Declaration for the Future of the Internet, April 28, 2022, https://www.state.gov/declaration-for-the-future-of-the-internet (accessed January 19, 2023).

[205] Ibid.

[206] "FACT SHEET: United States and 60 Global Partners Launch Declaration for the Future of the Internet," White House press release, April 28, 2022, https://www.whitehouse.gov/briefing-room/statements-releases/2022/04/28/fact-sheet-united-states-and-60-global-partners-launch-declaration-for-the-future-of-the-internet/ (accessed January 19, 2023).

[207] "Declaration of the Summit for Democracy," United States, Department of State, Bureau of Democracy, Human Rights, and Labor, March 29, 2023, https://www.state.gov/declaration-of-the-summit-for-democracy-2023/ (accessed May 4, 2023).

[208] Ibid.

VII. Recommendations

To the Indian Parliament

- Pass a resolution calling upon the Ministry of Communications to implement the recommendations made in the 2021 Parliamentary Standing Committee report on Communications and Information Technology on the impact of internet shutdowns.
- Reject the Telecommunications Bill, 2022, which contravenes the Supreme Court judgment in *Anuradha Bhasin v. Union of India* and expands the powers of government officials to impose network disruptions at their discretion, without any meaningful safeguards, limitations, or remedies to ensure transparency, accountability, and redress.
- Pass a resolution calling on the central and state governments to submit a public annual report to the Standing Committee on Communications and Information Technology to explain the harm prevented by each internet shutdown.

To the Central and State Governments

- End broad, indiscriminate, and indefinite internet shutdowns. Ensure any restriction on internet access is lawful, necessary, proportionate, and limited in scope, and ensure compliance with the Supreme Court directives in *Anuradha Bhasin v. Union of India.*
- Review and revise the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017, after consultation with civil society groups, digital rights experts, and other stakeholders to bring the rules in line with international legal standards.
    - Amend to include independent judicial oversight of every internet suspension order and require suspension orders to receive court approval before taking effect.
    - Put in place safeguards to ensure suspension orders cannot be used as a preventive measure to violate the rights to freedom of expression and assembly.
    - Include a robust accountability mechanism, which includes independent members of civil society, digital rights experts, and retired judges, to review the legality of each suspension order.

- Publish every internet suspension order with details on the reasons for shutdown, duration of the shutdown, legal provision under which the internet was suspended, and what efforts were made to ensure the suspension was necessary and proportionate.
- Publish orders before any internet suspension is carried out, to allow citizens ample time to prepare and make arrangements.
- Ensure authorities who order illegal, arbitrary, unnecessary, or disproportionate internet shutdowns are held accountable.
- Develop mechanisms to ensure that all people have access to social protection systems and social security programs, including NREGA and the administration of the National Food Security Act, regardless of internet access. Ensure that no one loses this access when the internet is severed or otherwise unavailable.
- Ensure internet suspensions are only ordered by the union or state home secretary as stipulated in the Telecom Suspension Rules. The Rajasthan state government should end the practice of divisional commissioners ordering internet shutdowns.
- Commission an independent study on the impact of internet shutdowns on people's basic rights, denial of access to essential public goods and services, whether shutdowns meet their stated objectives and their effectiveness in dealing with matters of public emergency or public safety, and economic losses stemming from the suspensions.
- Establish a national-level database for all internet shutdowns in the country, which should include the number of times suspension has been ordered, reasons, duration, legal provisions used, decision of the competent authority, and decision of the Review Committees. The database should be available publicly to ensure transparency and accountability.

Review Committees

- Create Review committees in each state and union territory that meet to review shutdown orders.
- Ensure independent functioning of the Review Committees by including members of civil society such as experts on technology and human rights and retired judges.
- Empower Review Committees to overturn unlawful suspension orders and to direct restoration of internet services.

- Record findings in writing, including whether the internet shutdowns were lawful, necessary, and proportionate, and document the methodology and reasoning for the committee's conclusions.
- Make all Review Committee findings public to ensure transparency and accountability.

To Telecom Service Providers

- Send prior notification to all subscribers ahead of carrying out a suspension order.
- Uphold United Nations Guiding Principles on Business and Human Rights and adopt mitigation and transparency measures regarding shutdowns.
- Explore all lawful measures to challenge the implementation of internet shutdowns.
- Collaborate with local and international stakeholders to mitigate harms.

To the UN and Foreign Governments, including G20 Members

- Encourage the Indian government to end broad, indiscriminate internet shutdowns and uphold its commitments to protect the rights of freedom of expression and opinion online and offline and ensure a free and independent media landscape.
- Hold India to account as a signatory to the G7 Resilient Democracies statement for ensuring "an open, free, global, interoperable, reliable and secure internet."
- Provide support to local civil society groups and digital rights organizations to undertake periodic quantitative and qualitative studies on internet shutdowns, impact on human rights, efficacy of shutdowns, and access to justice for affected populations.
- Support initiatives to increase awareness of how internet shutdowns deny access to basic rights and engage both governments and civil society in prevention and response efforts.
- Support specialized police training in crowd control methods according to international standards alongside existing programs for counterterrorism training.
- Encourage India to invite the UN special rapporteur on freedom of expression for a fact-finding visit.

Acknowledgments

This report was jointly researched by Human Rights Watch and Internet Freedom Foundation. The report was written by Jayshree Bajoria, associate director in the Asia division at Human Rights Watch and edited by Meenakshi Ganguly, South Asia director at Human Rights Watch. James Ross, legal and policy director, and Tom Porteous, deputy program director, provided legal and programmatic review. Specialist reviews were provided by senior researchers Tamir Israel and Amos Toh in the Technology and Human Rights Division, researcher Matt McConnell in the Economic Justice and Rights Division, researcher Hye Jung Han in the Children's Rights Division, and Kayum Ahmed, special advisor on Health and Human Rights. Krishnesh Bapat, associate litigation counsel at Internet Freedom Foundation assisted in the research.

Expert reviews were also provided by Apar Gupta, executive director, and Tanmay Singh, senior litigation counsel at Internet Freedom Foundation. Gyan Tripathi, a policy trainee at Internet Freedom Foundation, provided research support. Gayatri Malhotra, associate litigation counsel, and Bhavya Singh, litigation intern at Internet Freedom Foundation, helped to compile the appendix on internet shutdowns.

Travis Carr, publications officer, produced the graphics and Maggie Svoboda, photo editor, provided support for the selection and layout of the photographs in the report. Production assistance was provided by Robbie Newton, coordinator in the Asia Division. The report was prepared for publication by Fitzroy Hepkins, administrative manager.

Human Rights Watch and Internet Freedom Foundation acknowledge the valuable assistance of several Indian rights activists and organizations, who provided input into and support for this research and analysis. They include but are not limited to Mazdoor Kisan Shakti Sangathan in Rajasthan; Software Freedom Law Center in New Delhi; lawyers Abhinav Sekhri and Shailesh Poddar; G.N. Var, President, Private School Associate of Jammu and Kashmir; and technology researchers Jade Lyngdoh, Rohini Lakshane, Gurshabad Grover, and Karan Saini.

We are particularly indebted to external reviewers Usha Ramanathan, an independent researcher working on the jurisprudence of law, poverty and rights, Vrinda Bhandari, a

lawyer in the Supreme Court of India, and Gautam Bhatia, an Indian constitutional lawyer, for providing valuable input and feedback on the report.

Above all, we would like to thank all the interviewees, civil society members, journalists, researchers, lawyers, and activists who shared their experiences and contributed to the report. They cannot be named to protect their safety, but their work and support has been invaluable.

Appendix: List of Internet Shutdowns in India

(From January 10, 2020, to December 31, 2022)

Below is a list of internet shutdowns in all 28 Indian states after the Supreme Court judgment in *Anuradha Bhasin v. Union of India* on January 10, 2020. The information is collated on the basis of Right to Information requests filed by Internet Freedom Foundation on February 12, 2022, covering the period since January 10, 2020, along with media reports and data collected by other civil society organizations until December 31, 2022.

State and number of internet shutdowns from January 10, 2020, to December 31, 2022	Date and duration of internet shutdowns (Oldest to Newest)	Reason provided by the government to suspend internet services	Affected areas	Nature of the shutdown (Mobile/ Fixed Line internet/ Both)	Legal provision cited by authorities to suspend internet services	Did the government publish the shutdown order? Y/N	What did the Right to Information Request filed by Internet Freedom Foundation reveal? (The RTI requests sought information for the period January 10, 2020, to February 12, 2022).	Does the state have a functioning review committee?	Do the number of shutdowns provided by the government correspond with other independent sources?
Andhra Pradesh **Number of shutdowns:** 1	**Date of suspension:** May 25, 2022 **Duration:** 5-6 days	The shutdown was imposed in response to protests opposing the decision of the Andhra Pradesh state government to rename Konaseema District as Dr. B R Ambedkar Konaseema district.[209]	Amalapuram town in Dr. B. R. Ambedkar Konaseema district.	Mobile internet services	Section 144 CrPC	No	The Information Technology, Electronics and Communications Department of the government of Andhra Pradesh replied to the application stating that the department had not issued any internet shutdown orders between January 10, 2020, to March 9, 2022.	The Information Technology, Electronics and Communications Department of the Government of Andhra Pradesh did not confirm if the state has a review committee.	The Government of Andhra Pradesh suspended internet services once after replying to the right to information application. We did not find any independent record of an internet shutdown during the period referred to in the RTI.

[209] "Konaseema Row: Internet Shutdown in Tense Amalapuram," *Tupaki.com*, May 25, 2022, https://english.tupaki.com/politicalnews/article/Konaseema-Row-Internet-Shutdown-in-Tense-Amalapuram/129524 (accessed January 14, 2023); Sashwata Saha, "Internet Shutdown in Konaseema, Andhra Pradesh" *Medianama.com*, May 25, 2022, https://www.medianama.com/2022/05/223-internet-shutdown-konaseema-andhra-pradesh/ (accessed January 14, 2023).

State and number of internet shutdowns from January 10, 2020, to December 31, 2022	Date and duration of internet shutdowns (Oldest to Newest)	Reason provided by the government to suspend internet services	Affected areas	Nature of the shutdown (Mobile/ Fixed Line internet/ Both)	Legal provision cited by authorities to suspend internet services	Did the government publish the shutdown order? Y/N	What did the Right to Information Request filed by Internet Freedom Foundation reveal? (The RTI requests sought information for the period January 10, 2020, to February 12, 2022).	Does the state have a functioning review committee?	Do the number of shutdowns provided by the government correspond with other independent sources?
Arunachal Pradesh **Number of Shutdowns:** 8	**Date of order:** October 22, 2020 **Date of suspension:** November 01, 2022 **Duration:** From 8:00 AM to 4:00 PM	According to the order, the internet was suspended to prevent sharing of "exam related information" through telecom services.	Tawang, West Kameng, East Kameng, West Siang, Leparada, East Siang, Upper Siang, Lower Subansiri, Upper Subansiri, Lower Dibang Valley, Lohit, Tirap, Changlang, Capital Complex & Papum Pare districts.	Mobile internet services and fixed line internet services.	Rule 2(1) of the Temporary Suspension of Telecom services (Public Emergency or Public safety) Rules, 2017.	The copy of the order was provided in response to the RTI application. The Home Department of the Government of Arunachal Pradesh did not confirm if the order was published.	The Home Department of the Government of Arunachal Pradesh shared information about eight shutdowns since January 10, 2020.	The Government of Arunachal Pradesh constituted a review committee under Section 2(5) of the Temporary Suspension Rules, 2017 on October 8, 2021. It is not clear if there was a committee before that date. The Government of Arunachal Pradesh shared the findings of the internet suspensions that took place between January 12, 2022, to January 14, 2022. The	The number of shutdowns disclosed by the Government of Arunachal Pradesh in responses to the RTI application are more than those tabulated by some independent sources such as the internet Shutdown tracker by Software Freedom Law Center, which reported three shutdowns during this period[210]
	Date of order: December 14, 2020 **Duration of suspension:** December 14, 2020, to January 13, 2021	According to the order, internet services were suspended "in view of Law & Order Problem in the interest of public emergency/public safety." It is not clear what was the nature of the law	Gandhigram Village, Vijaynagar Circle, Changlang District	Mobile internet services and fixed line internet services.	Rule (2) of the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017.	The copy of the order was provided in response to the RTI application. The Home Department did not confirm if the order was published.			

[210] India Internet Shutdown Tracker by Software Freedom Law Center, https://internetshutdowns.in/ (accessed January 18, 2023).

	Duration: 1 month	and order problem.						Review Committee found that the shutdown was imposed in the interest of public safety and to maintain public order. It also noted that the police had requested the competent authority to suspend internet services because it anticipated law and order problems during the strike called by All Nyishi Youth Association. The Government of Arunachal Pradesh has not shared findings of the review committee for other internet suspension orders.	
	Date of order: December 31, 2020 **Date of suspension:** January 1, 2021 (6 AM to 12 Noon)	The order states that the internet services were stopped "in the interest of public emergency/safety," but does not provide any further details.	Diyun, Kharsang, Miao, Brajapur and Devpuri under Changlang District	Mobile internet services and fixed line internet services.	Rule (2) of the Temporary Suspension of Telecom Services (Public Emergency or Public safety) Rules, 2017.	The copy of the order was provided in response to the RTI application. The Home Department did not confirm if the order was published.			
	Date of order: March 19, 2021 **Date of suspension:** March 21, 2021 **Duration of suspension:** 9:30 AM to 1:00 PM for one day	According to the order, the internet was suspended to prevent sharing of "exam related information" through telecom services.	Aalo, Bomdila, Khonsa, Namsai, Pasighat, Seppa, Tawang, Tezu, Ziro, llanagar Capital Region and Papum Pare (Doimukh area only) districts.	Mobile internet services and fixed line internet services.	Rule (2) of the Temporary Suspension of Telecom Services (Public Emergency or Public safety) Rules, 2017.	The copy of the order was provided in response to the RTI application. The Home Department did not confirm if the order was published.			
	Date of order: July 21, 2021 **Date of suspension:** August 1, 2021 **Duration:** 9:30 AM to 1:00 PM for one day	According to the order, internet services were suspended to prevent transmission/sharing of exam related information through the mobile telephone internet services during the Combined Graduate Level Examination 2021, which were held on August 1, 2021, from 9:30 AM	Tawang, Bomdila, Aalo, Seppa, Ziro, Pasighat, Namsai,Tezu, Khonsa, Changlang and ltanagar Capital Complex	Mobile internet services.	Rule (2) of the Temporary Suspension of Telecom Services (Public Emergency or Public safety) Rules, 2017.	The copy of the order was provided in response to the RTI application. The Home Department did not confirm if the order was published.			

		to 1:00 PM on August 1, 2021.							
	Date of order: August 19, 2021 **Date of suspension:** August 22, 2021 **Duration:** 11:00 AM to 12:30 PM on one day	According to the order, internet services were suspended to prevent transmission/sharing of exam related information through the mobile telephone internet services during exam for the post of sub-inspector scheduled to be held on August 22, 2021.	Twenty-seven allotted exam centers at Itanagar Capital Region.	Mobile internet services and fixed line internet services.	Sub Rule (1) of Rule (2) of the Temporary Suspension of Telecom Services (Public Emergency or Public safety) Rules, 2017.	The copy of the order was provided in response to the RTI application. The Home Department did not confirm if the order was published.			
	Date of order: September 28, 2021 **Date of suspension:** October 03, 2021 **Duration:** 9:30 AM to 1:00 PM for one day	According to the order, internet services were suspended to prevent transmission/sharing of exam related information through the internet during the Combined Higher Secondary Level (10+2) Examination, which was held on October 03, 2021.	Tawang, West Kameng (Bomdila, Singchung, Rupa, Dirang), Alo, Seppa, Ziro, Pasighat, Mebo, Namsai, Mahadevpur, Tezu, Khonsa, Changlang, Itanagar Capital Complex and Doimukh	Mobile internet services and fixed line internet services.	Rule (2) of the Temporary Suspension of Telecom Services (Public Emergency or Public safety) Rules, 2017.	The copy of the order was provided in response to the RTI application. The Home Department did not confirm if the order was published.			
	Date of order: January 12, 2022	According to the findings of the review committee, the internet was suspended "to prevent occurrence	Itanagar Capital Region.	Mobile internet services and fixed line internet services.	Rule (2) of the Temporary Suspension of Telecom Services	The Government of Arunachal Pradesh shared the findings of			

	Date of Suspension: January 13, 2022, to January 15, 2022 **Duration:** 48 hours	of serious law and order problems" during the bandh called by the All Nyishi Youth Association to seek chief minister Pema Khandu's resignation			(Public Emergency or Public safety) Rules, 2017	the Review Committee but did provide a copy of the order dated January 12, 2022.			
State and number of internet shutdowns from January 10, 2020, to December 31, 2022	**Date and duration of internet shutdowns (Oldest to Newest)**	**Reason provided by the government to suspend internet services**	**Affected areas**	**Nature of the shutdown (Mobile/ Fixed Line internet/ Both)**	**Legal provision cited by authorities to suspend internet services**	**Did the government publish the shutdown order? Y/N**	**What did the Right to Information Request filed by Internet Freedom Foundation reveal? (The RTI requests sought information for the period January 10, 2020, to February 12, 2022).**	**Does the state have a functioning review committee?**	**Do the number of shutdowns provided by the government correspond with other independent sources?**
Assam **Number of shutdowns:** 1	**Date of order:** August 18, 2022 **Date of Suspension:** August 21, 2022, and August 28, 2022 **Duration:** 10 AM to 12 PM and 2 PM to 4 PM for both dates	According to the order, the internet was suspended to prevent cheating in examinations conducted for Grade III and Grade IV government posts.[211]	Twenty-five out of thirty-one districts of Assam.	Mobile internet services.	The order was issued under the Section 5(2) of the Telegraph Act, 1885 and the Telecom Services (Public Emergency or Public safety) Rules, 2017.	Yes	The Political Department of the Government of Assam replied to the application stating that they have not suspended internet services since January 10, 2020.	In response to the RTI Application, the Political Department of the Government of Assam confirmed that they have constituted a review committee.	The Government of Assam suspended internet services once after replying to the RTI Application. Independent sources confirm that it had not suspended internet services between January 10, 2020, and March 10, 2022, i.e., date of RTI reply.[212]

[211] "Gauhati HC issues notice in challenge against internet shutdowns but refuses interim relief," Internet Freedom Foundation, September 2022, https://internetfreedom.in/guwahati-hc-refuses-to-restraint-the-government-of-assam-from-suspending-internet-services/ (accessed January 18, 2023).

[212] India Internet Shutdown Tracker by Software Freedom Law Center, https://internetshutdowns.in/ (accessed January 18, 2023).

State and number of internet shutdowns from January 10, 2020, to December 31, 2022	Date and duration of internet shutdowns (Oldest to Newest)	Reason provided by the government to suspend internet services	Affected areas	Nature of the shutdown (Mobile/ Fixed Line internet/ Both)	Legal provision cited by authorities to suspend internet services	Did the government publish the shutdown order? Y/N	What did the Right to Information Request filed by Internet Freedom Foundation reveal? (The RTI requests sought information for the period January 10, 2020, to February 12, 2022).	Does the state have a functioning review committee?	Do the number of shutdowns provided by the government correspond with other independent sources?
Bihar **Number of shutdowns:** 1	**Date of order:** June 17, 2022 **Date of suspension:** June 17, 2022, to June 19, 2022 **Duration:** 56 hours	According to the order, 22 websites and mass messaging platforms were suspended because "anti-social elements" were using the internet for objectionable content.[213] The order was issued in response to protests against the Agnipath Scheme, a central government scheme for recruitment in the armed forces.	Kaimer, Bhojpur, Aurangabad, Rohtas, Buxer, Nawada, West Champaran, Samastipur, Lakhisarai, Begusarai, Vaishali and Saran districts	The listed websites could not be accessed by Mobile internet services and fixed line internet services.	The order was issued under Section 5(2) of the Telegraph Act, 1885 and Telecom Services (Public Emergency or Public safety) Rules, 2017.	Yes	In response to the RTI application, the Home Department of the Government of Bihar has said it has not suspended internet services since January 10, 2020.	The Government of Bihar has constituted a review committee under Rule 2(5) of the Telecom Services (Public Emergency or Public safety) Rules, 2017.	Independent sources confirm that Bihar had not suspended internet services between January 10, 2020, and March 10, 2022, i.e., date of RTI reply.[214] However, the state used legal provisions meant for internet shutdowns to block websites.
Chhattisgarh **Number of shutdowns:** 1	**Date of order:** October 5, 2021 **Date of suspension:** October 5, 2021	The Government of Chhattisgarh suspended internet services after violence broke out between two communities over	Kawardha town in Kabirdham district	Unclear	Section 144, CrPC.	No	The Home Department of the Government of Chhattisgarh refused to provide any information in response to the RTI, claiming that the "C" Branch of Home Department is exempt under s. 24(4) of the RTI Act, 2005 by Department of	We could not determine if the Government of Chhattisgarh has constituted a review committee.	Although the government did not provide any information, independent sources reported one shutdown

[213] "Internet services will remain temporarily suspended in Kaimer, Bhojpur, Aurangabad, Rohtas, Buxer, Nawada, West Champaran, Samastipur, Lakhisarai, Begusarai, Vaishali and Saran districts from today till 19th June: Bihar govt," Tweet by @ANI, *Twitter.com*, June 17, 2022, https://twitter.com/ANI/status/1537793854916546561 (accessed January 19, 2023).

[214] India Internet Shutdown Tracker by Software Freedom Law Center, https://internetshutdowns.in/ (accessed January 18, 2023).

	Duration: Not specified	the removal of religious flags.[215]					General Administration's notification 1-2/2011/1-SN dated May 12, 2011. [S. 24(4) permits state governments to exempt certain intelligence and security organizations from the purview of the RTI Act, 2005.]		during this period.[216]
State and number of internet shutdowns from January 10, 2020, to December 31, 2022	**Date and duration of internet shutdowns (Oldest to Newest)**	**Reason provided by the government to suspend internet services**	**Affected areas**	**Nature of the shutdown (Mobile/ Fixed Line internet/ Both)**	**Legal provision cited by authorities to suspend internet services**	**Did the government publish the shutdown order? Y/N**	**What did the Right to Information Request filed by Internet Freedom Foundation reveal? (The RTI requests sought information for the period January 10, 2020, to February 12, 2022).**	**Does the state have a functioning review committee?**	**Do the number of shutdowns provided by the government correspond with other independent sources?**
Goa **Number of shutdowns:** 0	None	Not applicable.	Not applicable.	Not applicable.	Not applicable.	Not applicable.	The Home Department of Government of Goa replied to the application saying they did not have the information sought in the RTI. In response to an appeal filed by IFF, the Home Department of the Government of Goa said they had not suspended internet services since January 10, 2020.	The Government of Goa did not reveal if they have constituted a review committee.	Independent sources support the response provided by the state government.[217]

[215] Ritesh Mishra, "Curfew imposed in Chhattisgarh's Kawardha town after communal violence; 15 detained," *Hindustan Times*, October 6, 2021, https://www.hindustantimes.com/india-news/curfew-imposed-in-chhattisgarh-s-kawardha-town-after-communal-violence-15-detained-101633460056009.html (accessed January 19, 2023).

[216] India Internet Shutdown Tracker by Software Freedom Law Center, https://internetshutdowns.in/ (accessed January 18, 2023).

[217] India Internet Shutdown Tracker by Software Freedom Law Center, https://internetshutdowns.in/ (accessed January 18, 2023).

State and number of internet shutdowns from January 10, 2020, to December 31, 2022	Date and duration of internet shutdowns (Oldest to Newest)	Reason provided by the government to suspend internet services	Affected areas	Nature of the shutdown (Mobile/ Fixed Line internet/ Both)	Legal provision cited by authorities to suspend internet services	Did the government publish the shutdown order? Y/N	What did the Right to Information Request filed by Internet Freedom Foundation reveal? (The RTI requests sought information for the period January 10, 2020, to February 12, 2022).	Does the state have a functioning review committee?	Do the number of shutdowns provided by the government correspond with other independent sources?
Gujarat **Number of shutdowns:** 0	None	Not applicable.	Not applicable.	Not applicable.	Not applicable.	Not applicable.	The Home Department of the Government of Gujarat refused to provide any information claiming that special Branches of the Home Department are exempt under s. 24(4) of the RTI Act, 2005 by notification No. SB-I/102001/8203/GOI/62 dated October 25, 2005. In response to an appeal filed by IFF, the Home Department responded saying that the Government of Gujarat had not suspended internet services since January 10, 2020. [S. 24(4) permits state governments to exempt "certain intelligence and security organisations" from the purview of the RTI Act, 2005][218]	In response to an appeal filed by IFF, the Home Department confirmed that the Government of Gujarat has constituted a review committee.	Independent sources support the response provided by the state government regarding the number of shutdowns.[219]

[218] Right to Information Act, 2005, s. 24(4).

[219] India Internet Shutdown Tracker by Software Freedom Law Center, https://internetshutdowns.in/ (accessed January 18, 2023).

State and number of internet shutdowns from January 10, 2020, to December 31, 2022	Date and duration of internet shutdowns (Oldest to Newest)	Reason provided by the government to suspend internet services	Affected areas	Nature of the shutdown (Mobile/ Fixed Line internet/ Both)	Legal provision cited by authorities to suspend internet services	Did the government publish the shutdown order? Y/N	What did the Right to Information Request filed by Internet Freedom Foundation reveal? (The RTI requests sought information for the period January 10, 2020, to February 12, 2022).	Does the state have a functioning review committee?	Do the number of shutdowns provided by the government correspond with other independent sources?
Haryana **Number of shutdowns:** 3	**Date of order:** January 27, 2021 **Date of suspension:** January 27, 2021, to January 29, 2021. After that, extended daily until February 6, 2021 **Duration:** 10 days.	The initial order stated that the internet was being suspended to prevent any disturbance of peace and public order.[220] The order was issued in response to farmers' protests against three farm laws enacted by the Parliament of India, which among other things, deregulated government-run wholesale markets.	Internet was initially suspended in Jhajjar, Sonipat and Palwal districts but suspension was later extended to 14 other districts through separate orders.[221]	Mobile internet services	The order was issued under Section 5(2) of the Telegraph Act, 1885 and Telecom Services (Public Emergency or Public safety) Rules, 2017.	It Is not clear whether the government published the initial or the extension orders.	The Government of Haryana did not reply to the RTI application filed by IFF in February 2022. IFF had appealed the lack of a response before the State Information Commission. During the pendency of the appeal, Haryana provided a reply where they simply asked us to refer to the website of their home department.	We could not determine if the Government of Haryana has constituted a review committee.	The Government of Haryana did not provide a proper reply to the RTI Application. But we found three shutdowns by the state government, using independent sources.[222]
	Date of order: September 6, 2021 **Date of Suspension:** September 7, 2021	According to the order, the internet was suspended as there was a chance of "intensification of protests" in wake of the call for a massive gathering of farmers on	Kurukshetra, Kaithal, Jind and Panipat	Mobile internet services	The order was issued under Section 5(2) of the Telegraph Act, 1885 and Telecom Services	Yes			

[220] Soumyarendra Barik, "Farmer Protests: Internet, SMS Services Shutdown in Parts of Haryana to Curb Misinformation" *Medianama.com* , January 27, 2021, https://www.medianama.com/2021/01/223-internet-shutdown-haryana-farmer-protests/ (accessed January 20, 2023);

[221] Satendar Chauhan, "Farmers' protest: Internet services shut down in 17 Haryana districts till Jan 30" *India Today*, January 29, 2021, https://www.indiatoday.in/india/story/farmers-protest-internet-services-shut-down-in-haryana-1764008-2021-01-29 (accessed January 20, 2023)

[222] India Internet Shutdown Tracker by Software Freedom Law Center, https://internetshutdowns.in/ (accessed January 18, 2023).

	Duration: 24 hours	September 7, 2021.[223]			(Public Emergency or Public safety) Rules, 2017.				
	Date of order: June 16, 2022 **Date of suspension:** June 16, 2022, to June 17, 2022 **Duration of suspension:** 32 hours	According to a government spokesperson, the internet was suspended to prevent the spread of misinformation using social media platforms. The order was issued in response to protests against the Agnipath scheme.[224]	Palwal District	Mobile internet services	The order was issued under Section 5(2) of the Telegraph Act, 1885 and Telecom Services (Public Emergency or Public safety) Rules, 2017.	It is not clear whether the government published the order.			
State and number of internet shutdowns from January 10, 2020, to December 31, 2022	**Date and duration of internet shutdowns (Oldest to Newest)**	**Reason provided by the government to suspend internet services**	**Affected areas**	**Nature of the shutdown (Mobile/ Fixed Line internet/ Both)**	**Legal provision cited by authorities to suspend internet services**	**Did the government publish the shutdown order? Y/N**	**What did the Right to Information Request filed by Internet Freedom Foundation reveal? (The RTI requests sought information for the period January 10, 2020, to February 12, 2022).**	**Does the state have a functioning review committee?**	**Do the number of shutdowns provided by the government correspond with other independent sources?**
Himachal Pradesh **Number of shutdowns:** 0	None	Not applicable.	Not applicable.	Not applicable.	Not applicable.	Not applicable.	The Office of Additional Director General of Police replied to the RTI application saying it has not recommended suspension of internet services since January 10, 2020.	The Office of Additional Director General of Police did not specify if the Government of Himachal	Independent sources confirm the response provided by the Government of

[223] "Letter to the Haryana Govt to reconsider Internet Shutdown" Software Freedom Law Center, September 7, 2021, https://sflc.in/letter-haryana-government-reconsider-suspension-internet-5-districts (accessed January 21, 2023).

[224] "Haryana: Mobile internet suspended in Palwal as Agnipath protests erupt" *Indian Express*, June 16, 2022 https://indianexpress.com/article/cities/chandigarh/haryana-mobile-internet-suspended-in-palwal-as-agnipath-protests-erupt-7973745/ (accessed January 21, 2023).

								Pradesh has constituted a review committee.	Himachal Pradesh.[225]
State and number of internet shutdowns from January 10, 2020, to December 31, 2022	**Date and duration of internet shutdowns (Oldest to Newest)**	**Reason provided by the government to suspend internet services**	**Affected areas**	**Nature of the shutdown (Mobile/ Fixed Line internet/ Both)**	**Legal provision cited by authorities to suspend internet services**	**Did the government publish the shutdown order? Y/N**	**What did the Right to Information Request filed by Internet Freedom Foundation reveal? (The RTI requests sought information for the period January 10, 2020, to February 12, 2022).**	**Does the state have a functioning review committee?**	**Do the number of shutdowns provided by the government correspond with other independent sources?**
Jharkhand **Number of shutdowns:** 3	**Date of order:** February 7, 2022 **Date of suspension:** February 7, 2022 **Duration:** 24 hours	Internet was suspended to prevent spread of misinformation following the death of a 17-year old boy during a religious procession.[226]	Koderma, Chitra, Giridh and Hazaribagh districts.	Unclear.	News reports do not specify.	No	The Home Department of the Government of Jharkhand refused to provide information on the ground that it affects the security of the state and is confidential. IFF appealed the response before the First Appellate Authority, which upheld the decision of the Home Department. An appeal against the decision of the First Appellate Authority is pending before the State Information Commission.	We could not determine if the Government of Jharkhand has constituted a review committee.	Although the Government of Jharkhand refused to provide any information, independent sources documented three shutdowns during this time period.
	Date of order: June 10, 2022 **Date of suspension:** June 10, 2022 **Duration:** Unclear	Internet was suspended to respond to violence against comments made by BJP spokespersons on Prophet Mohammad. The violent protests led to deaths of two persons.[227]	Ranchi district	Mobile internet services and fixed line internet services	Section 144 CrPC	No			

[225] India Internet Shutdown Tracker by Software Freedom Law Center, https://internetshutdowns.in/ (accessed January 18, 2023).

[226] "Internet ban in Jharkhand," *Jagran*, February 6, 2022, https://www.jagran.com/jharkhand/ranchi-jharkhand-crime-news-youth-killed-during-procession-communal-tension-police-stationed-in-the-area-hazaribagh-22445278.html (accessed January 24, 2023).

[227] "Two dead, many injured after violent protests in Ranchi amid Prophet row," Press Trust of India, June 11, 2022, https://www.business-standard.com/article/current-affairs/two-dead-several-injured-after-violent-protests-in-ranchi-over-prophet-row-122061100137_1.html (accessed January 24, 2023).

	Date of order: November 13, 2022 **Date of suspension:** November 13, 2022 **Duration:** Unclear	The internet was suspended to respond to tensions following the death of Kamal Dev Giri, a politician and leader of Giriraj Sena.[228]	Chakradharpur district.	Mobile internet services and fixed line internet services.	News reports do not specify.	No			
State and number of internet shutdowns from January 10, 2020, to December 31, 2022	**Date and duration of internet shutdowns (Oldest to Newest)**	**Reason provided by the government to suspend internet services**	**Affected areas**	**Nature of the shutdown (Mobile/ Fixed Line internet/ Both)**	**Legal provision cited by authorities to suspend internet services**	**Did the government publish the shutdown order? Y/N**	**What did the Right to Information Request filed by Internet Freedom Foundation reveal? (The RTI requests sought information for the period January 10, 2020, to February 12, 2022).**	**Does the state have a functioning review committee?**	**Do the number of shutdowns provided by the government correspond with other independent sources?**
Karnataka **Number of shutdowns:** 0	None	Not applicable.	Not applicable.	Not applicable.	Not applicable.	Not applicable.	The Government of Karnataka has not replied to the RTI application or the appeal filed by IFF against the lack of response.	We could not determine if the Government of Karnataka has constituted a review committee.	Although the state government did not provide information, independent sources confirm that the Karnataka government did not suspend internet services during this period.[229]

[228] "Internet suspended in Jharkhand after the death of Kamal Dev," News Aroma, November 13, 2022, https://www.newsaroma.com/internet-shut-down-after-kamal-dev-giris-murder-in-jharkhand-was-about-to-join-bjp-today/ (accessed January 24, 2023).

[229] India Internet Shutdown Tracker by Software Freedom Law Center, https://internetshutdowns.in/ (accessed January 18, 2023).

State and number of internet shutdowns from January 10, 2020, to December 31, 2022	Date and duration of internet shutdowns (Oldest to Newest)	Reason provided by the government to suspend internet services	Affected areas	Nature of the shutdown (Mobile/ Fixed Line internet/ Both)	Legal provision cited by authorities to suspend internet services	Did the government publish the shutdown order? Y/N	What did the Right to Information Request filed by Internet Freedom Foundation reveal? (The RTI requests sought information for the period January 10, 2020, to February 12, 2022).	Does the state have a functioning review committee?	Do the number of shutdowns provided by the government correspond with other independent sources?
Kerala **Number of shutdowns:** 0	None.	Not applicable.	Not applicable.	Not applicable.	Not applicable.	Not applicable.	The Government of Kerala replied to the application saying they had not issued any internet suspension order under the Telecom Suspension Rules 2017.	In response to the RTI Application, the Government of Kerala admitted that a review committee is yet to be constituted in the State.	Independent sources confirm the response provided by the Government of Kerala.[230]
Maharashtra **Number of shutdowns:** 6[231]	**Date of order:** November 16, 2021 **Date of suspension:** November 16, 2021, to November 19, 2021 **Duration:** 3 days	According to news reports, internet was suspended to respond to communal violence.[232]	Amravati	Mobile internet services.	Sections 144(1), (2),(3) of the CrPC	No	The Home Department of the Government of Maharashtra misinterpreted the RTI and replied that they had not suspended internet services on January 10, 2020. In response to an appeal filed by IFF, the Government of Maharashtra replied that they had suspended	In response to the RTI Application, the Home Department of Government of Maharashtra confirmed that it has constituted a review committee.	According to independent sources, the Government of Maharashtra has suspended internet services only on one occasion, i.e., November 16 to 19, 2021.[233] However, in response to the RTI application,

[230] India Internet Shutdown Tracker by Software Freedom Law Center, https://internetshutdowns.in/ (accessed January 18, 2023).

[231] In response to the RTI filed by IFF, the state government said they had passed six orders. But they did not provide any information on them. Unfortunately, independent sources only reported one shutdown during this period, therefore, the table is missing information on the five other shutdowns confirmed by the government.

[232] "Maharashtra: Four-day curfew in Amravati, internet shutdown as fresh violence erupts," Press Trust of India, November 14, 2021, https://www.newindianexpress.com/nation/2021/nov/14/maharashtra-four-day-curfew-in-amravati-internet-shut-down-as-fresh-violence-erupts-2383277.html (accessed January 26, 2023).

[233] India Internet Shutdown Tracker by Software Freedom Law Center, https://internetshutdowns.in/ (accessed January 18, 2023).

							internet services on six occasions since January 10, 2020. They did not provide copies of these orders or the findings of the review committee.		the government of Maharashtra claimed that they have issued six suspension orders but did not provide any further information.
State and number of internet shutdowns from January 10, 2020, to December 31, 2022	**Date and duration of internet shutdowns (Oldest to Newest)**	**Reason provided by the government to suspend internet services**	**Affected areas**	**Nature of the shutdown (Mobile/ Fixed Line internet/ Both)**	**Legal provision cited by authorities to suspend internet services**	**Did the government publish the shutdown order? Y/N**	**What did the Right to Information Request filed by Internet Freedom Foundation reveal? (The RTI requests sought information for the period January 10, 2020, to February 12, 2022).**	**Does the state have a functioning review committee?**	**Do the number of shutdowns provided by the government correspond with other independent sources?**
Madhya Pradesh **Number of shutdowns:** 1	**Date of order:** January 31, 2020 **Date of Suspension:** January 31, 2020 **Duration:** 8 hours	According to news reports, internet was suspended as a "precautionary measure" to curb protests against the Citizenship Amendment Act.[234]	Jabalpur	Mobile internet services.	Not specified.	No	The Home Department of the Government of Madhya Pradesh refused to provide any information claiming that the "C" Branch of Home Department is exempt under s. 24(4) of the RTI Act, 2005 by Department of General Administration's notification K.F. 11-39-2005-F-9-SN dated August 30, 2007. IFF appealed the decision before the First Appellate Authority, which upheld the decision of the Home Department.	We could not determine if the Government of Madhya has constituted a review committee.	Although the Government of Madhya Pradesh refused to provide any information, independent sources reported one shutdown during this period.

[234] Soumyarendra Barik, "Internet Shutdown in Jabalpur as 'Precautionary Measure' against Anti-CAA Protests," *Medianama.com,* January 31, 2020, https://www.medianama.com/2020/01/223-internet-shutdown-jabalpur/ (accessed January 28, 2023).

State and number of internet shutdowns from January 10, 2020, to December 31, 2022	Date and duration of internet shutdowns (Oldest to Newest)	Reason provided by the government to suspend internet services	Affected areas	Nature of the shutdown (Mobile/ Fixed Line internet/ Both)	Legal provision cited by authorities to suspend internet services	Did the government publish the shutdown order? Y/N	What did the Right to Information Request filed by Internet Freedom Foundation reveal? (The RTI requests sought information for the period January 10, 2020, to February 12, 2022).	Does the state have a functioning review committee?	Do the number of shutdowns provided by the government correspond with other independent sources?
Manipur **Number of shutdowns: 2**	**Date of order:** March 16, 2020 **Date of suspension:** March 16, 2020, to March 19, 2020 **Duration:** 3 days	Internet was suspended following clashes between villagers of Kamjong and Chassad villages over a land dispute. The order said rumors were being spread on social media.[235]	Entire state of Manipur	Mobile internet services.	Not specified.	No, but a copy was provided to the media.	The Government of Manipur has not replied to the RTI application or the appeal filed by IFF against the lack of a response.	We could not determine if the Government of Manipur has constituted a review committee.	Although the Government of Manipur did not provide any information, independent sources reported two shutdowns during this period.
	Date of order: August 7, 2022 **Date of suspension:** August 7, 2022, to August 12, 2022 **Duration:** 5 days	Internet was suspended to prevent communal violence.[236]	Entire state of Manipur	Mobile internet services.	Rule (2) of the Temporary Suspension of Telecom Services (Public Emergency or Public safety) Rules, 2017.	Yes			

[235] Brozendra Ningomba, "Mobile Internet shut after Manipur clash," *Telegraph*, March 16, 2020, https://www.telegraphindia.com/north-east/mobile-internet-shut-after-manipur-clash/cid/1754384 (accessed January 30, 2023).

[236] "Mobile data services suspended in the entire state of Manipur for 5 days after one van was reportedly set ablaze by 3/4 youths suspected to be of a community, in Bishnupur. The crime has created tense communal situation & volatile law & order situation in the state: Manipur Govt," Tweet by @ANI, *Twitter.com*, August 7, 2022, https://twitter.com/ANI/status/1556085333544284162 (accessed January 30, 2023).

State and number of internet shutdowns from January 10, 2020, to December 31, 2022	Date and duration of internet shutdowns (Oldest to Newest)	Reason provided by the government to suspend internet services	Affected areas	Nature of the shutdown (Mobile/ Fixed Line internet/ Both)	Legal provision cited by authorities to suspend internet services	Did the government publish the shutdown order? Y/N	What did the Right to Information Request filed by Internet Freedom Foundation reveal? (The RTI requests sought information for the period January 10, 2020, to February 12, 2022).	Does the state have a functioning review committee?	Do the number of shutdowns provided by the government correspond with other independent sources?
Meghalaya **Number of shutdowns:** 3	**Date of order:** February 28, 2020 **Date of suspension:** February 28, 2020, to March 4, 2020 **Duration:** 5 days	According to the order, the internet was suspended due to incidents of arson in East Khasi Hills District. The initial order was extended thrice. These incidents occurred during protests against the Citizenship Amendment Act.[237]	Six districts of Meghalaya namely West Jaintia Hills, East Jaintia Hills, East Khasi Hills, Ri-Bhoi, West Khasi Hills and South West Khasi Hills	Mobile internet services.	The order was issued under Section 5(2) of the Telegraph Act, 1885 and Telecom Services (Public Emergency or Public safety) Rules, 2017.	Yes	The Government of Meghalaya has not replied to the RTI application or the appeal filed by IFF against the lack of a response.	In response to separate RTI applications filed by researcher Jade Lyngdoh, Meghalaya has confirmed that it has constituted a review committee and shared the committee's findings. The review committee of Meghalaya has observed that each internet shutdown order issued by the Government of Meghalaya were in accordance with Section	Although the Government of Meghalaya did not provide any information, independent sources reported three shutdowns in this period.
	Date of order: August 15, 2021 **Date of suspension:** August 15, 2021, to August 18, 2021 **Duration:** 3 days	According to the order, the internet was suspended due to incidents of arson in East Khasi Hills District. These incidents started after Cherishterfield Thangkhiew, a former militant of the banned Hynniewtrep National Liberation Council (HNLC) was	Four districts of Meghalaya namely East Khasi Hills, Ri-Bhoi, West Khasi Hills and South West Khasi Hills	Mobile internet services	The order was issued under Section 5(2) of the Telegraph Act, 1885 and Telecom Services (Public Emergency or Public safety) Rules, 2017.	Yes			

[237] "One person has been killed in Meghalaya's East Khasi Hills after clashes," *The Hindu*, February 29, 2020, https://www.thehindu.com/news/national/curfew-imposed-in-meghalayas-east-khasi-hills-after-clashes/article30948606.ece?homepage=true (accessed February 1, 2023).

		killed by the police.[239]						5(2) of the Telegraph Act, 1885.[238]	
	Date of order: November 22, 2022 **Date of suspension:** November 22, 2022, to November 26, 2022 **Duration:** 4 days	According to the order, internet was initially suspended on November 22, 2022, for 48 hours following an "untoward incident" which occurred in Mukroh, West Jaintia Hills, Jowai.[240] Subsequently, the suspension was extended for another 48 hours.[241] Six people, including five tribal villagers and a state forest guard, were killed in Assam police firing at the Assam-Meghalaya border. The killings	Seven districts of Meghalaya namely West Jaintia Hills, East Jaintia Hills, East Khasi Hills, Ri-Bhoi, Eastern West Khasi, West Khasi Hills and South West Khasi Hills.	Mobile internet services.	The order was issued under Section 5(2) of the Telegraph Act, 1885 and Telecom Services (Public Emergency or Public safety) Rules, 2017.	Yes			

[239] Tora Agarwala, "Meghalaya Home Minister quits amid unrest over ex-militant's death," *Indian Express*, August 16, 2022, https://indianexpress.com/article/north-east-india/meghalaya/shillong-curfew-meghalaya-internet-shut-down-ex-militant-death-7455230/ (accessed February 1, 2023).

[238] Minutes of Meeting of Review Committee dated March 2, 2020, March 5, 2020, and August 20, 2021. Copies on file with Internet Freedom Foundation and Human Rights Watch.https://drive.google.com/file/d/1rPKi33ARgMpMRBWJBbftHQ1yR3nNwz3h/view?usp=sharing (accessed February 1, 2023).

[240] Notification by the Home Department, Government of Meghalaya, No. HPL/199/2018/31, November 22, 2022, https://meghalaya.gov.in/sites/default/files/circulars/HPL_199_2018_31.pdf (accessed February 1, 2023); Researcher Jade Lyngdoh from Shillong writes to the Chief Secretary of Meghalaya about the ongoing internet shutdown" Internet Freedom Foundation, November 23, 2022, https://internetfreedom.in/researcher-jade-lyngdoh-from-shillong-writes-to-the-chief-secretary-of-meghalaya-about-the-ongoing-internet-shutdown/#:~:text=On%20November%2022%2C%202022%2C%20our,to%20an%20incident%20of%20violence (accessed February 1, 2023).

[241] Sentinel Digital Desk "Meghalaya: Suspension of Internet Services Extended till November 26, *" The Sentinal*, November 24, 2022, https://www.sentinelassam.com/north-east-india-news/meghalaya-news/meghalaya-suspension-of-internet-services-extended-till-november-26-625005 (accessed February 15, 2023).

		prompted violence near the border.[242]							
State and number of internet shutdowns from January 10, 2020, to December 31, 2022	**Date and duration of internet shutdowns (Oldest to Newest)**	**Reason provided by the government to suspend internet services**	**Affected areas**	**Nature of the shutdown (Mobile/ Fixed Line internet/ Both)**	**Legal provision cited by authorities to suspend internet services**	**Did the government publish the shutdown order? Y/N**	**What did the Right to Information Request filed by Internet Freedom Foundation reveal? (The RTI requests sought information for the period January 10, 2020, to February 12, 2022).**	**Does the state have a functioning review committee?**	**Do the number of shutdowns provided by the government correspond with other independent sources?**
Mizoram **Number of shutdowns:** 0	None	Not applicable.	Not applicable.	Not applicable.	Not applicable.	Not applicable.	The Home Department of Government of Mizoram replied to the RTI application saying they have not suspended internet services since January 10, 2020.	The Home Department of Government of Mizoram said they have constituted a review committee.	Independent sources confirm the response provided by the Government of Mizoram.[243]
Nagaland **Number of shutdowns:** 1	**Date of order:** December 4, 2021 **Date of suspension:** December 4, 2021, to December 6, 2021 **Duration:** 2 days	According to the order, the internet was suspended owing to "prevailing situation created by firing incidents." Security forces killed 13 villagers, claiming they were suspected militants.[244]	Mon District.	Mobile internet services.	Section 5(2) of the Telegraph Act, 1885.	Yes	The Home Department of Government of Nagaland replied to the RTI application saying they have suspended internet services once since January 10, 2020.	The Home Department of Government of Nagaland confirmed in response to the RTI application that they have constituted a review committee, but did not share the	Independent sources support the response provided by the Government of Nagaland.[245]

[242] Utpal Parashar, "CBI to probe border firing incident that killed 6: Assam CM," *Hindustan Times*, November 24, 2022, https://www.hindustantimes.com/cities/others/cbi-to-probe-border-firing-incident-that-killed-6-assam-cm-101669289680256.html (accessed March 11, 2023).

[243] India Internet Shutdown Tracker by Software Freedom Law Center, https://internetshutdowns.in/ (accessed January 18, 2023).

[244] Sumir Karmakar, "Nagaland civilian killings: Shops, offices shut in protest; curfew, ban on mobile internet in Mon," *Deccan Herald*, December 6, 2021, https://www.deccanherald.com/national/east-and-northeast/nagaland-civilians-killing-shops-offices-shut-in-protest-curfew-ban-on-mobile-internet-in-mon-1058089.html (accessed February 2, 2023).

[245] India Internet Shutdown Tracker by Software Freedom Law Center, https://internetshutdowns.in/ (accessed January 18, 2023).

								findings of the committee.	
State and number of internet shutdowns from January 10, 2020, to December 31, 2022	**Date and duration of internet shutdowns (Oldest to Newest)**	**Reason provided by the government to suspend internet services**	**Affected areas**	**Nature of the shutdown (Mobile/ Fixed Line internet/ Both)**	**Legal provision cited by authorities to suspend internet services**	**Did the government publish the shutdown order? Y/N**	**What did the Right to Information Request filed by Internet Freedom Foundation reveal? (The RTI requests sought information for the period January 10, 2020, to February 12, 2022).**	**Does the state have a functioning review committee?**	**Do the number of shutdowns provided by the government correspond with other independent sources?**
Odisha **Number of shutdowns:** 1	**Date of order:** April 12, 2022 **Date of suspension:** April 12, 2022, to April 13, 2022 **Duration:** 24 hours	Internet was suspended after communal violence.[246]	Keonjhar district	Unclear	Unclear	No	The Electronics and Information Technology department of the Government of Odisha claimed they did not have any information.	We could not determine if the Government of Manipur has constituted a review committee.	Although the Government of Odisha did not provide any information, independent sources reported one shutdown in this period.[247]

[246] "Internet Shutdown in Keonjhar following Violent Group Clash" *Ommcom News*, April 12, 2022, https://ommcomnews.com/odisha-news/internet-shutdown-in-keonjhar-following-violent-group-clash (accessed February 7, 2023).

[247] *Udaipur Chambers of Commerce and Industry & Anr. v. State of Rajasthan,* D.B. Civil Writ (PIL) 5587/2022, https://drive.google.com/file/d/10mdWgA6geCxcUemuHM_-6m8frR2ig3-J/view?usp=sharing (accessed February 8, 2022). *Udaipur Chambers of Commerce and Industry & Anr. v. State of Rajasthan,* D.B. Civil Writ (PIL) 5587/2022, https://drive.google.com/file/d/10mdWgA6geCxcUemuHM_-6m8frR2ig3-J/view?usp=sharing (accessed February 8, 2022).

Punjab **Number of shutdowns:** 1	**Date of order:** April 30, 2022 **Date of suspension:** April 30, 2022 **Duration:** 6.5 hours	According to the order, internet was suspended because there was a likelihood of disturbance of peace in Patiala district. According to news reports, the shutdown was announced after clashes between two communities.[248]	Patiala	Mobile internet services.	Rule (2) of the Temporary Suspension of Telecom Services (Public Emergency or Public safety) Rules, 2017.	Yes	The Government of Punjab did not respond to the RTI application. IFF filed a First Appeal but received no response. IFF has now appealed before the State Information Commission. During the pendency of the appeal, the Government of Punjab provided information sought in the application.	The State of Punjab has constituted a review committee and has shared the findings of the committee regarding the shutdowns ordered on April 30, 2022. The review committee in its findings concluded that the order was "reasonable and proportionate, since the order was restricted to the affected areas (Patiala district) and no ban was imposed on voice calls/services."	Independent sources confirm the response provided by the Government of Punjab regarding the number of shutdowns.[249]

[248] Mitaksh, "Internet restored in Patiala after being blocked for eight hours," *Medianama.com*, May 2, 2022, https://www.medianama.com/2022/05/223-internet-shutdown-patiala-district-punjab/ (accessed February 2, 2023).

[249] India Internet Shutdown Tracker by Software Freedom Law Center, https://internetshutdowns.in/ (accessed January 18, 2023).

State and number of internet shutdowns from January 10, 2020, to December 31, 2022	Date and duration of internet shutdowns (Oldest to Newest)	Reason provided by the government to suspend internet services	Affected areas	Nature of the shutdown (Mobile/ Fixed Line internet/ Both)	Legal provision cited by authorities to suspend internet services	Did the government publish the shutdown order? Y/N	What did the Right to Information Request filed by Internet Freedom Foundation reveal? (The RTI requests sought information for the period January 10, 2020, to February 12, 2022).	Does the state have a functioning review committee?	Do the number of shutdowns provided by the government correspond with other independent sources?
Rajasthan **Number of shutdowns:** 85	In response to RTI filed by IFF, the Divisional Commissioner of Jaipur disclosed 30 internet shutdown orders; the Divisional Commissioner of Udaipur said their office had issued 26 internet shutdown orders; and the Divisional Commissioner of Jodhpur shared 17 internet	Internet has been suspended in Rajasthan for several reasons, including to prevent cheating in exams, address law and order concerns, and to respond to protests or communal violence.[252] The breakdown of the orders received so far: Jaipur[253] 25 in response to protests; 5 to prevent cheating in examinations.	-	The Divisional Commissioners mostly suspend mobile internet services.	Almost all orders have been issued under Rule (2) of the Temporary Suspension of Telecom Services (Public Emergency or Public safety) Rules, 2017	Internet shutdown orders are rarely published.	The Home Secretary of the Government of Rajasthan has empowered Divisional Commissioners of Jaipur, Udaipur, Ajmer, Bikaner, Jodhpur, Bharatpur, and Kota to suspend internet services.[256] Thus, the Government of Rajasthan transferred the application to each of these commissioners. The Divisional Commissioners of Jaipur, Jodhpur and Udaipur replied to the application and provided copies of orders each of them had issued between January 10, 2020, and March 31, 2022.	In response to the RTI application, the Government of Rajasthan stated that they have constituted a review committee. It also admitted that its review committee does not actually meet or record findings. Internet suspension orders are circulated to the members who simply record their approval of the suspension.	The Divisional Commissioners of Ajmer, Bikaner, Bharatpur and Kota did not reply to the RTI application. The table includes shutdowns reported by independent sources after the RTI application period, until December 31, 2022.

[252] "Rajasthan HC issued notice in a petition by Industry Bodies against repeated internet suspensions in Rajasthan," Internet Freedom Foundation, May 18, 2022, https://internetfreedom.in/rajasthan-hc-issued-notice-in-a-petition-by-industry-bodies-against-repeated-internet-suspensions-in-rajasthan/ (accessed February 2, 2023).

[253] "Table summarizing 30 internet shutdown orders issued by Jaipur Divisional Commissioner," Internet Freedom Foundation, October 2021, https://docs.google.com/document/d/125N159HJITOCatojXPed3fCFuXlzf3lM65x9vns036g/edit (accessed February 10, 2023).

[256] "Rajasthan internet shutdown orders continue to be passed by unauthorized officials" Internet Freedom Foundation, December 9, 2019, https://internetfreedom.in/rajasthan-internet-shutdown-orders-continue-to-be-passed-by-unauthorized-officials/ (accessed February 2, 2023).

	shutdown orders.[250] In addition, independent sources reported 12 shutdowns between March 2022 and December 31, 2022.[251]	Udaipur[254] 18 in response to protests; 6 to prevent cheating in exams; 2 to address law and order concerns. Jodhpur[255] 17 to prevent cheating in exams.							
State and number of internet shutdowns from January 10, 2020, to December 31, 2022	**Date and duration of internet shutdowns (Oldest to Newest)**	**Reason provided by the government to suspend internet services**	**Affected areas**	**Nature of the shutdown (Mobile/ Fixed Line internet/ Both)**	**Legal provision cited by authorities to suspend internet services**	**Did the government publish the shutdown order? Y/N**	**What did the Right to Information Request filed by Internet Freedom Foundation reveal? (The RTI requests sought information for the period January 10, 2020, to February 12, 2022).**	**Does the state have a functioning review committee?**	**Do the number of shutdowns provided by the government correspond with other independent sources?**
Sikkim **Number of shutdowns:** 0	None	Not applicable.	Not applicable.	Not applicable.	Not applicable.	Not applicable.	The Home Department of Government of Sikkim replied to the application saying they have not suspended internet services.	The Home Department of the Government of Sikkim did not confirm if it has constituted a	Independent sources confirm the response provided by the Government of Sikkim.[257]

[250] "[Revealed] Jaipur Internet Shutdown Orders: Cut, Copy Paste!" Internet Freedom Foundation, September 2021, https://internetfreedom.in/revealed-jaipur-internet-shutdown-orders-cut-copy-paste-keep-it-on/ (accessed February 2, 2023); "[Revealed] Udaipur Internet Shutdown Orders: Cut, Copy Paste!" Internet Freedom Foundation, November 1, 2021, https://internetfreedom.in/revealed-udaipur-internet-shutdown-orders-cut-copy-paste/ (accessed February 2, 2023).

[251] India Internet Shutdown Tracker by Software Freedom Law Center, https://internetshutdowns.in/ (accessed January 18, 2023).

[254] "*Table summarizing 26 internet shutdown orders issued by Udaipur Divisional Commissioner",* Internet Freedom Foundation, November 2021, https://docs.google.com/document/d/12_kRr91K6O1cqEdotmX5NF3UmsobUyu_73m7QtXTHbU/edit (accessed May 31, 2023); *Udaipur Chambers of Commerce and Industry & Anr. v. State of Rajasthan,* D.B. Civil Writ (PIL) 5587/2022, https://drive.google.com/file/d/1omdWgA6geCxcUemuHM_-6m8frR2ig3-J/view?usp=sharing (accessed February 10, 2023).

[255] Copies of Internet suspension orders provided by Division Commissioner of Jodhpur, April 5, 2022. Copies on file with Internet Freedom Foundation and Human Rights Watch.

[257] India Internet Shutdown Tracker by Software Freedom Law Center, https://internetshutdowns.in/ (accessed January 18, 2023).

								review committee.	
Tamil Nadu **Number of shutdowns:** 0	None	Not applicable.	Not applicable.	Not applicable.	Not applicable.	Not applicable.	The Government of Tamil Nadu has not replied to the RTI application or the appeal filed by IFF against the lack of a response.	We could not determine if the Government of Tamil Nadu has constituted a review committee.	Although the state government did not provide information, independent sources confirm that the Government of Tamil Nadu has not suspended internet services since January 10, 2020.[258]
State and number of internet shutdowns from January 10, 2020, to December 31, 2022	**Date and duration of internet shutdowns (Oldest to Newest)**	**Reason provided by the government to suspend internet services**	**Affected areas**	**Nature of the shutdown (Mobile/ Fixed Line internet/ Both)**	**Legal provision cited by authorities to suspend internet services**	**Did the government publish the shutdown order? Y/N**	**What did the Right to Information Request filed by Internet Freedom Foundation reveal? (The RTI requests sought information for the period January 10, 2020, to February 12, 2022).**	**Does the state have a functioning review committee?**	**Do the number of shutdowns provided by the government correspond with other independent sources?**
Telangana **Number of shutdowns:** 1	**Date of order:** March 8, 2021 **Date of suspension:** March 8, 2021 **Duration:** Unclear	As per news reports, internet was suspended after communal clashes between two groups.[259]	Bhainsa town in Nirmal District	Mobile internet services	As per the news report, Rule (2) of the Temporary Suspension of Telecom Services (Public Emergency or Public	No	The Home (Special) Department of the Government of Telangana refused to provide any information saying the State Intelligence Department and its branches are exempt from provisions of the Right to Information Act, 2005 because of G.O.Ms.No. 667 dated September 3,2007	We could not determine whether the Government of Telangana has constituted a review committee.	Although the government did not provide any information, independent sources reported one shutdown during this period.

[258] India Internet Shutdown Tracker by Software Freedom Law Center, https://internetshutdowns.in/ (accessed January 18, 2023).

[259] Abhinay Deshpande, "Post clashes internet services suspended in Bhainsa," *The Hindu*, March 8, 2021, https://www.thehindu.com/news/national/telangana/post-clashes-internet-services-suspended-in-bhainsa/article34020478.ece (accessed February 5, 2023).

					safety) Rules, 2017.		issued by the General Administration Department under Section 24(4) of the RTI Act. IFF appealed the decision before the First Appellate Authority, which did not respond.		
Tripura **Number of shutdowns:** 0	None	Not applicable.	Not applicable.	Not applicable.	Not applicable.	Not applicable.	The Home Department of the Government of Tripura replied to the application saying they had not suspended internet services since January 10, 2020.	The Government of Tripura has constituted a review committee under Rule 2(5) of the Temporary Suspension Rules, 2017.	Independent sources confirm the response provided by the Government of Tripura.
State and number of internet shutdowns from January 10, 2020, to December 31, 2022	**Date and duration of internet shutdowns (Oldest to Newest)**	**Reason provided by the government to suspend internet services**	**Affected areas**	**Nature of the shutdown (Mobile/ Fixed Line internet/ Both)**	**Legal provision cited by authorities to suspend internet services**	**Did the government publish the shutdown order? Y/N**	**What did the Right to Information Request filed by Internet Freedom Foundation reveal? (The RTI requests sought information for the period January 10, 2020, to February 12, 2022).**	**Does the state have a functioning review committee?**	**Do the number of shutdowns provided by the government correspond with other independent sources?**
Uttar Pradesh **Number of shutdowns:** 2	**Date of order:** February 23, 2020 **Date of suspension:** February 23, 2020 **Duration:** 6 hours	According to news reports, internet was suspended to control the clashes that broke out between protesters and police during protests against the Citizenship Amendment Act.[260]	Aligarh	Mobile internet services.	Not specified in the news report.	No	The Government of Uttar Pradesh did not reply to the application filed by IFF. In response to an RTI filed subsequently, it said that it did not have any information.	We could not determine whether the Government of Uttar Pradesh has constituted a review committee.	Although the government did not provide any information, independent sources reported two shutdowns in this period.

[260] Alok Pandey, "Internet Suspended in Aligarh after Anti-CAA Protesters Clash with Police," *NDTV.com*, February 24, 2020, https://www.ndtv.com/india-news/anti-caa-protesters-in-ups-aligarh-clash-with-police-after-being-denied-permission-to-erect-tents-2184472 (accessed February 5, 2023).

	Date of order: October 3, 2021 **Date of suspension:** October 3, 2021, to October 9, 2021 **Duration:** Internet was suspended intermittently from October 3, 2021 toOctober 9, 2021.[261]	Internet was suspended after violence erupted in response to the death of farmers protesting against farm laws.[262]	Lakhimpur Kheri district	Mobile internet services.	Section 144 of Criminal Procedure Code (CrPC)	No			
State and number of internet shutdowns from January 10, 2020, to December 31, 2022	**Date and duration of internet shutdowns (Oldest to Newest)**	**Reason provided by the government to suspend internet services**	**Affected areas**	**Nature of the shutdown (Mobile/ Fixed Line internet/ Both)**	**Legal provision cited by authorities to suspend internet services**	**Did the government publish the shutdown order? Y/N**	**What did the Right to Information Request filed by Internet Freedom Foundation reveal? (The RTI requests sought information for the period January 10, 2020, to February 12, 2022).**	**Does the state have a functioning review committee?**	**Do the number of shutdowns provided by the government correspond with other independent sources?**
Uttarakhand **Number of shutdowns:** 0	None	Not applicable.	Not applicable.	Not applicable.	Not applicable.	Not applicable.	The Uttarakhand Police replied to the RTI application saying the Special Task Force is exempt from providing information under the RTI Act, 2005 by the Uttarakhand Govt.'s order no. xx-2/15/03(29)2012, dated 17.06.2015 issued	We could not determine whether the Government of Uttarakhand has constituted a review committee.	Although the government did not provide any information, independent sources confirm that the Uttarakhand government did not suspend internet services

[261] "Internet services suspended again in Lakhimpur Kheri" *India Today*, October, 2021, https://www.indiatoday.in/india/story/lakhimpur-kheri-internet-services-suspended-1862682-2021-10-08 (accessed February 5, 2023).

[262] "Lakhimpur: Internet Suspended after 8 dead in violence; CM Yogi Assures Action L Key Points" *India.com*, October 2021, https://www.india.com/uttar-pradesh/lakhimpur-internet-suspended-after-8-dead-in-violence-cm-yogi-assures-action-l-key-points-5017563/ (accessed February 5, 2023).

							under Section 24(4) of the RTI Act. IFF filed a First Appeal. The First Appellate Authority dismissed the appeal stating that they do not have the information sought by IFF.		during this time period.[263]
West Bengal **Number of shutdowns:** 6	**Date of order:** February 17, 2020 **Date of suspension:** February 17, 2020, to February 28, 2020 **Duration:** 3 hours on each day of exams.	According to news reports, internet was suspended to prevent cheating in school exams.[264]	Murshidabad, Malda, South Dinajpur, North Dinajpur, Birbhum, Jalpaiguri and Cooch Behar districts.	Mobile internet services	News reports do not mention.	No	The Government of West Bengal has not replied to the RTI application or the appeal filed by IFF against the lack of a response.	The Government of West Bengal has constituted a review committee. It shared the findings of the review committee with respect to the order dated March 7, 2022, with the Calcutta High Court in proceedings that challenged that order.[265] In its findings, the review committee noted that there was	Although the government did not provide any information, independent sources reported six shutdowns in this period.
	Date of order: May 12, 2020 **Date of suspension:** May 12, 2020 **Duration:** 48 hours	According to news reports, internet was suspended after conflict arose between members of two communities.[266]	Hooghly district	Mobile internet services	News reports do not specify	No			

[263] India Internet Shutdown Tracker by Software Freedom Law Center, https://internetshutdowns.in/ (accessed January 18, 2023).

[264] "Net curb in 7 districts for Madhyamik," *Telegraph*, February 17, 2020, https://www.telegraphindia.com/west-bengal/net-curb-in-7-districts-for-madhyamik/cid/1746162 (accessed February 6, 2023).

[265] Government of West Bengal, Review Committee minutes dated March 03, 2022 https://drive.google.com/file/d/1arJpUZL8JzcFNhh_nJeLvWTOzTyIyelq/view?usp=sharing (accessed February 15, 2023). Copies on file with Internet Freedom Foundation and Human Rights Watch.

[266] "Violence erupts over movement in containment zones in WB, Governor says 'state cannot afford communal virus,'" *Times Now Digital*, May 13, 2020, https://www.timesnownews.com/india/article/violence-erupts-over-movement-in-containment-zones-in-wb-governor-says-state-cannot-afford-communal-virus/591082 (accessed February 6, 2023).

	Date of order: March 7, 2022 **Date of suspension:** March 7,8,9, 11, 12, 15 and 16, 2022 **Duration:** 4 hours each day	According to the order, the internet was suspended to prevent unlawful activities. Since the date and time of suspension was the same as the date and time of school examinations, digital rights groups found that in truth, the internet was suspended to prevent cheating in exams.[267] **Note:** The High Court of Calcutta stayed the internet shutdown order on March 10, 2022, saying it did not comply with the decision of the Supreme Court in *Anuradha Bhasin v. Union of India.*[268]	Malda, Murshidabad, Uttar Dinajpur, Coochbehar, Jalpaiguri, Birbhum, and Darjeeling districts.	Mobile internet services.	Section 144 of Criminal Procedure Code (CrPC)	Yes		likelihood of the internet being used for cheating because such instances had occurred in the past. Thus, according to the committee, the internet shutdown order had a legitimate goal and the shutdown was suitable to achieve it.	
	Date of order: June 10, 2022 **Date of suspension:** June 10, 11, 12 and 13, 2022 **Duration:** 59 hours	According to the order, the internet was suspended to prevent the spread of rumors.[269] According to news reports, the suspension was ordered following the burning of BJP	Howrah district	Mobile internet services.	Rule (2) of the Temporary Suspension of Telecom Services (Public Emergency or Public safety) Rules, 2017.	Yes			

[267] "No internet for 8 days in these districts of West Bengal. Details here" *Hindustan Times*, March 6, 2022, https://www.hindustantimes.com/india-news/no-internet-for-8-days-in-these-districts-of-west-bengal-details-here-101646559913614.html (accessed February 6, 2023).

[268] "Calcutta HC stays internet shutdown issued by West Bengal Government" Internet Freedom Foundation, March 2022, https://internetfreedom.in/calcutta-hc-stays-internet-shutdown-issued-by-west-bengal-government/ (accessed February 6, 2023).

[269] "West Bengal | Internet services suspended till 6 am on 13th June in Howrah district in wake of protests today and the current situation here," Tweet by @ANI, *Twitter.com*, June 10, 2022, https://twitter.com/ANI/status/1535283995310960640 (accessed February 6, 2023).

		office in Howrah's Uluberia area.[270]							
	Date of order: June 11, 2022 **Date of suspension:** June 11 to June 14, 2022, and June 17 to June 19, 2022 **Duration:** More than 72 hours	According to the order, the internet was suspended to prevent the spread of rumors.[271] According to news reports, the suspension was ordered following the burning of BJP office in Howrah's Uluberia area	Belgada, Murshidabad district	Mobile internet services.	Rule (2) of the Temporary Suspension of Telecom Services (Public Emergency or Public safety) Rules, 2017.	Yes			
	Date of order: December 10, 2022 **Date of suspension:** December 11, 2022 **Duration:** 4 hours	According to the order, the internet was suspended to prevent cheating during the Teachers Eligibility Test examination[272]	Uttar Dinajpur, Malda, Murshidabad, Purba Medinapur, Paschim Medinipur and Dakshin Dinajpur districts	Mobile internet services.	Rule (2) of the Temporary Suspension of Telecom Services (Public Emergency or Public safety) Rules, 2017	Yes			

[270] "Prophet row: Internet suspended in West Bengal's Howrah till 13 June. Details here," *LiveMint*, June 10, 2022 https://www.livemint.com/news/india/prophet-row-internet-suspended-in-west-bengal-s-howrah-till-13-june-details-here-11654875411802.html (accessed February 6, 2023).

[271] "Controversial religious remark row | West Bengal: After Howrah district, now internet services suspended in Beldanga, Murshidabad till 6 am on June 14, to stop rumours & prevent unlawful activities," Tweet by @ANI, *Twitter.com*, June 11, 2022, https://twitter.com/ANI/status/1535599677306830849 (accessed February 6, 2023).

[272] Vallari Sanzgiri, "West Bengal Temporarily suspends Internet In Six Districts for TET Exam," *Medianama.com*, December 12, 2022, https://www.medianama.com/2022/12/223-west-bengal-suspends-internet-six-districts-tet-exam/#:~:text=What's%20the%20news%3A%20Internet%20was,Eligibility%20Test%20(TET)%20examination (accessed February 6, 2023).

“No Internet Means No Work, No Pay, No Food”

Internet Shutdowns Deny Access to Basic Rights in “Digital India”

Indian authorities have shut down the internet more than any other country in the world since 2018, even as the government’s “Digital India” makes internet access vital for every aspect of life. These internet shutdowns harm people’s ability to access crucial government programs and social protection measures, including food and livelihood security, which now require internet-based technology for verification and payments.

“No Internet Means No Work, No Pay, No Food” documents how internet shutdowns in India disproportionately harm millions of people living with poverty and social marginalization who depend on state welfare schemes, denying them access to basic rights and entitlements guaranteed under the Indian constitution and international human rights law. The report finds that the decisions by authorities at both central and state levels to disrupt internet access are often erratic, wholly unnecessary and disproportionate in violation of international legal standards.

Internet shutdowns run contrary to India’s commitments to digital freedoms both at home and abroad. In June 2022, India signed a Group of Seven (G7) statement committing to ensure “an open, free, global, interoperable, reliable and secure internet.”

Human Rights Watch and Internet Freedom Foundation urge the Indian government to uphold its commitments to end indiscriminate and indefinite internet shutdowns. The authorities should ensure that if shutdowns are at all imposed, they are a measure of last resort, lawful, necessary, proportionate, and limited in scope and territory, and comply with international standards. The government should ensure that everyone has access to social protection systems and social security programs, regardless of internet access, and that no one loses this access even when the internet is severed or otherwise unavailable.

(above) People gather to collect free food grains at a ration shop in Ghaziabad, Uttar Pradesh state, India, June 20, 2020.

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(front cover) An Indian rural worker, who lost wages when the government suspended the internet, attempts to connect to upload attendance on a government app, Ajmer district, Rajasthan, India, July 20, 2022.

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